

Item No. 7

APPLICATION NUMBER	CB/11/03734/FULL
LOCATION	London Road Retail Park, London Road, Biggleswade
PROPOSAL	Demolition of existing retail and commercial units. Construction of new retail units (Use Class A1) and (Use Class A3); alterations to Homebase; associated access works, servicing and landscaping; improvements to London Road.
PARISH	Biggleswade
WARD	Biggleswade South
WARD COUNCILLORS	Cllr D Lawrence & Cllr Vickers
CASE OFFICER	Hannah Pattinson
DATE REGISTERED	25 October 2011
EXPIRY DATE	24 January 2012
APPLICANT	LXB PR (Biggleswade) Ltd
AGENT	WYG Planning & Design
REASON FOR COMMITTEE TO DETERMINE	Major Development and Departure from the Development Plan
RECOMMENDED DECISION	Approve subject to S106 Agreement

Site Location:

The application site is located to the south of Biggleswade, with the larger proportion of the site situated in the triangle, known as London Road Retail Park, formed by the A1, London Road and to the north by the residential properties located on Holme Court Avenue. The application site also includes a vacant plot, known as Plot 'S' on the opposite side of London Road, which forms part of the existing industrial estate known as Stratton Business Park.

The Application:

This application is for the redevelopment of London Road Retail Park and Plot S on Stratton Business Park. Planning permission is sought for the demolition of the existing retail park known as London Road Retail Park to provide a retail development of 31,086 sq m gross internal retail floor space, (excluding mezzanines), associated car parking and servicing, sub division and re-cladding of the existing Homebase building, new access road, infrastructure improvements and roundabout junction on London Road, internal site roads, associated landscaping and improvements to the public footpaths and landscaping on London Road.

In addition planning permission is sought for the erection of 2 retail units of 1,430 sq m, associated car parking and infrastructure.

In total the applicant is proposing 17 units, 15 units to be located on London Road Retail Park and two on Plot S, Stratton Business Park. The proposal indicates that

these are well designed contemporary units which are aesthetically pleasing and given the Applicants proven track record of delivering successful retail schemes, which are attractive to the market, around the country.

The development has proposed 782 car parking spaces and 43 disabled car parking spaces on London Road Retail Park and 70 car parking spaces and 6 disabled car parking spaces on Plot S. In total it is proposed to provide a total of 901 car parking spaces including 49 disabled spaces.

The Applicant has applied for unrestricted A1 Use Class (Non Food) and an element of A3 Use Class (Food). It has been agreed between the parties that the any food area shall be limited to 975 sq m. In addition the Applicant has proposed a number of S106 Contributions and Obligations including the dualling of London Road up to the Saxon Drive Roundabout on London Road from the A1 Roundabout South, a Town Centre Contribution, a Biggleswade Car Parking Contribution, Bus Service Improvement including Real Time Information and a Framework Travel Plan.

The proposal is to provide a comprehensive redevelopment of the park with a cohesive high quality contemporary design style providing accessibility to all.

To clarify the description that the Applicant has applied for is as follows:

Demolition of existing retail and commercial units. Construction of new retail units (Use Class A1) and (Use Class A3); alterations to Homebase; associated access works, servicing and landscaping; improvements to London Road.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

The East of England Regional Spatial Strategy

Core Strategy and Development Management Policies (2009)

CS1, CS2, CS4, CS9, CS12, CS14, DM3, DM4, DM9, DM14

Mid Bedfordshire Local Plan, First Review (2005)

TCS8, EMP4(1)

Site Allocations (2011)

E1

Supplementary Planning Guidance and Technical Guidance

Biggleswade Town Centre Adopted Strategy and Masterplan

Design in Central Bedfordshire: A Guide for Development

Planning History

MB/84/44/D	Erection of new store and garden centre – Approved 18/04/1986.
07/MB/93/34/2	Outline application for demolition of existing buildings and erection of a non food retail warehouse and associated works – Approved 12/04/1993
07/MB/92/15/29	Change of use from warehousing (Unit 4A) and industrial (Unit 4B) to Class A1 retail use (retrospective) – Approved 02/02/1993
CB/10/04450/FULL	Installation of mezzanine floor (Class A1) – Approved 07/03/2011
06/01891/OUT	Outline: Erection of building for retail use – Approved 18/03/2008
08/00517/RM	Reserved Matters: Erection of buildings for retail use pursuant to outline planning permission 06/01891/OUT – Approved 03/07/2008
CB/09/05933/FULL	Full: Change of use from B1 to A1 retail non food – Approved 12/03/2010
CB/10/04456/FULL	Full: Installation of mezzanine floor (class A1) – Approved 07/03/2011
07/MB/94/1418	Removal of condition 10 of planning permission Ref TP/73/51 (use only for storage, distribution and sale of furniture and carpets) – Approved 13/12/1994
CB/10/00480/FULL	S73: The variation of condition 1 on planning permission 07/MB/94/1418 to allow the ancillary retail sale of food goods from 150 sq m of the unit – Approved 01/04/2010
MB/93/00458/FA	Full: Part change of use to independent mixed B1/A1 ground floor (retrospective) – Approved 08/06/1993
MB/03/00412	Erection of single storey secure tyre store extension – Approved 30/05/2003.

Representations: (Parish & Neighbours)

Biggleswade Town
Council

No objection

Neighbours

One letter of comment stating that:

Having looked at the plans I am seriously concerned about the new pedestrian crossing between units 1 & 2 and Homebase.

Coming from the North and turning into London Road, the visibility is already difficult due to the need to watch the fast moving traffic on the A1. The new pedestrian crossing will significantly increase the risk of accidents due to stopped vehicles.

The developer should be required to either provide a bridge or a tunnel linking the two sites.

Aside from this matter I consider this is a positive development for the town.

One letter of support:

This can only be good for the town; especially if M & S are have a major store in the new retail park. I have friends who would travel here rather than go to MK or WGC.

One letter of support:

An imaginative scheme to improve the area and offer a modern facility to residents. Should be welcomed provided usual planning controls are followed.

One letter of comment:

1) Tree preservation orders on the oak trees to the rear of our property and Horse Chestnuts etc along London Road are being IGNORED and seem to be part of the trade off for the development coming! In turn the oaks and other trees that are to the rear of our property would provide excellent screen/acoustic barrier as they are, without being ripped up and replaced by more trees that we know will take ages to provide adequate screening! How can you justify this action? Already the previous developers have removed the screening completely down the bottom end of the bridleway!

2) The existing mature tree line to the rear of our property should be extended to the A1 to provide an effective screening of the development for the residents of Holme Court Avenue. This would be as effective as the proposed acoustic screening and leave the natural habitat for the existing wildlife!

3) That any replacement tree planting to the bridleway should be a solid barrier not a line of individual trees.

4) The access into and out of the site for the deliveries and lorries will only add to the congestion and chaos that already exists. Will there be any time restrictions on deliveries into the site? If so what would they be as the service area for units A - H run adjacent to the rear of the properties along Holme Court Avenue and will therefore be affected by any noise! HEAVY GOODS VEHICLES ACCESS SHOULD BE RESTRICTED TO THE PERIODS 7 am - 7 pm.

5) *What height and colour is the actual unit H (and other units) going to be as this will be exactly outside our bedroom windows and there will be no escaping from this outlook? If replacement trees are to be planted what is the height of those trees as they are never going to shield the property?*

6) *Are they going to be advertising logos to the rear of the properties?*

7) *What noise will an acoustic 3 m wooden fence stop? Who is going to up keep the maintenance of such fencing? Especially with the graffiti artists we have around Biggleswade this would only provide them with a blank canvas which I can assure you they will take advantage of.*

8) *The detailed plans do not show the trees under the PRESERVATION ORDERS (tree preservation order no. 8, 2001 T1-T3 Individual trees G1-G4 Groups of Trees) and I reiterate that some of these trees are MATURE OAK TREES. Surely you are not going to destroy what has been there for years, protected by the order and providing natural habitat for the birds, squirrels and other wild life! Still to be considered are the trees lining London Road from the A1 to Holme Court Avenue which also have preservation orders on them.*

9) *Are the developers going to made to replant any trees that die etc within a period of 20 years to maintain the acoustic barrier and landscaping?*

IF THE ABOVE ISSUES ARE NOT ADDRESSED CORRECTLY THEN WE WOULD BE AGAINST THE REDEVELOPMENT OF THE SITE.

Consultations/Publicity responses

HA	The Highways Agency have completed the review of the submitted documents they issued a TR110 directs that conditions to be attached to any planning permission which may be granted. The condition referred to is a Travel Plan condition.
Highways	The proposal includes the provision of 109 cycle spaces and 901 costumer car parking spaces.

The following highway works are proposed:

- A new roundabout at the existing Normandy Lane

priority junction which will provide access to the retail park,

- Improvement /upgraded of existing access serving the tyre and exhaust centre to provide access to servicing areas,
- To upgrade London Road between existing Pegasus Drive and Saxon Drive roundabouts to a dual carriageway ,
- To enlarge the Pegasus Drive and Saxon Drive roundabouts to accommodate the proposed widening of London Road,
- A 3.0m wide off street shared cycle/pedestrian path on the west side of London Road along the section to be dual,
- A new pedestrian crossing on London Rd south of the Pegasus Drive roundabout,
- A new bus stop and associated facility at the northbound carriageway to the north of the Pegasus Drive roundabout.

The proposal has been supported by the submission of a Transport Assessment Report on which I have the following comments:

Par 2.26 and Table 2.3 indicate the total established (existing plus committed) floor are at the existing estate to be 29,223m²

Car parking.

Car parking accumulation surveys carried out at the site in October the 8th and 9th 2011 on the 638 existing spaces) revealed that the car park occupancy peaked at 12:15 on the Friday with 249 spaces occupied (39%) and at 15:00 on Saturday with 388 occupied.(61%)

Par 2.28 Indicates the existing and committed development include a total of 752 car parking spaces (638 spaces at the existing estate + 114 spaces included in the committed Translloyd development)

Par 5.5 indicates the proposed development would provide an additional 1,862 m² of A1 retail floor space across the trading estate and plot S, which represents 6.4 % of the established floor area. This brings me to question why when there is reserved capacity in the existing car parking and the maximum car park occupancy was found to be 61%, and the increase in retail floor area is only 6.4%, the increase in car parking spaces is 20%? I do acknowledge that the committed development if implemented and occupied

would have increase the car parking occupancy but also there would have been 114 additional spaces.

Perhaps the answer lies in the attraction hence more traffic generation by the anchor retailer who will occupy site C?

Par. 3.28 states CBC has confirmed the availability of this land for highway improvement works. Such confirmation has not been included in the submission and whilst I believe it has verbally been given no written confirmation has been issued. I therefore consider prudent to get such confirmation in writing to avoid any future problems

Sustainability

A Travel Plan has been submitted which should cover all aspects of sustainability, Ann Rowland comment on this issue will provide you the necessary advise.

Traffic Impact.

As above mentioned I believe that a particular retailer may be seen as a destination on its own right hence depending on which retailer will move into unit C its traffic generation may have a greater impact on the highway. However I have not got any data supporting this view. Nevertheless the increase in the provision of car parking spaces appears to confirm such view.

Nevertheless, I confirm that bearing in mind the proposed highway works I consider the conclusions of the Travel Assessment satisfactory.

I have the following comments on the following submitted drawings:

Drawings: No 8659 Site Layout.

1. Shows the provision of two pedestrian crossings one between the Normandy Lane and the Saxon Drive roundabouts which is at the same point of the existing one and a new one south of the Pegasus Drive roundabout. The location of the later may lead to queues on the A1 roundabout and therefore assessment of its effect on London Road and the A1 needs to be carried out for consideration.
2. Whilst I do understand the reasoning for the inclusion of the two units on plot S, I am concerned at the increase in pedestrians crossing London Road at the

proposed new pedestrian crossing if any future plots on the industrial estate will be changed into additional retail units, hence another reason why an assessment of the pedestrian crossing needs to be made.

3. Location of pedestrian/cycling crossing at the Pegasus Drive and the Normandy Lane roundabouts for northbound traffic is not satisfactory. I consider the pedestrian/cycling lane should continue into the site along the southern side of the access roads up to the crossing point within the estate.

4. The distance between the parking rows which are not facing any of the main circulatory roads is only 5.8m. It should be 6.0m.

5. Only 6 car parking spaces are shown for the use of staff on the whole site. Whilst the TA indicates the 901 spaces are for the use of costumers only, can it therefore be assumed the rest of the staff will use the costumer's car park?

Drawing No 8659 Site S

Shows dimensions of various items, amongst which are, the distance between row of parking bays and of size of car parking spaces. However when measured on the drawing they do not correspond with the annotations. So either the drawing is not to scale or the annotations are wrong. It may be the same situation for the Site Layout plan drawing. Clarification is therefore required of which is correct the annotations or the actual measurements.

The dualling of the A6001 London Road, Biggleswade between Holme Court Avenue and Pegasus Drive is a requirement of the Land East of Biggleswade development. The requirement to dual this section is triggered on the occupation of 1450 dwellings which is when the capacity of the existing road and its junctions becomes inadequate. This allows further development of this site to about 2100 dwellings. This requirement was based on permitted developments in the area at that time and made no allowance for redevelopment of the retail area off London Road. The LXB proposal will generate additional traffic on this route which will bring forward the need to dual this section.

The service area at the northern end of the LXB development accesses London road at a priority junction. The dualling of London Road enforces a left in and left out operation at this junction which is required in the

interest of the safe operation of the highway.

The dualling of this section of London Road is to be secured through a S106 agreement.

CBC
Transport

Sustainable **Travel plan**

A Framework Travel Plan has been presented by Vectos on behalf of LXB RP (Biggleswade) Ltd in support of a planning application to demolish existing retail and commercial units on the London Road Trading Estate and Plot S on Stratton Business Park in Biggleswade, and construct new retail units (A1 & A3) as well as alterations to Homebase – total new gross floorspace of 31,086sqm (2,288sqm net increase).

The FTP has been presented on the basis that individual Travel Plans will be submitted by each occupier and is aimed at influencing staff and customer travel. Its objectives include:

- Reducing the levels of car use.
- Encouraging staff and customers to use alternative modes of transport to the private car.
- Increasing awareness of the environmental and social benefits of using alternative modes of transport.

However, the travel plan and planning application fails to address the following issues:

Policy context:

The travel plan fails to address the local policy context.

Travel plan management & coordination:

The travel plan is developed on the assumption that all of the future occupiers will deliver their own travel plans in accordance with the framework provided; however it is a requirement of CBC that the developer will provide a site wide coordinator who will coordinate the needs and actions of the individual occupiers. It may be possible that the largest occupier is responsible for providing the site wide coordinator although the developer needs to take responsibility until that measure is in place.

Cycling and walking:

Both of the new crossings on London Road due to be constructed by the developer need to be toucan crossings in order that they serve cyclists as well as

pedestrians. However there are concerns that the crossing proposed for the southern end of London road south of Pegasus Drive needs to be more centrally located between the Pegasus Drive junction and the Normandy Lane junction such that they will be on the desire line from Plot S to the main retail area. Currently however there would be a conflict due to the proposed location of the bus stop.

Pedestrians and cyclists are not adequately catered for where the shared use cycle paths cross the side/access roads on London road. Cyclists in particular on shared use paths are most vulnerable where the paths cross side roads. Consideration needs therefore to be given to providing raised crossing points at these locations and any proposals to be delivered in consultation with the cycling and walking officer.

The location of the proposed cycle parking facilities needs to be confirmed with segregated access from the shared use cycle path and we suggest that they are located close to the stores themselves rather than at one separate location.

No assessment has been made of the walking distance to existing bus stops in the site vicinity and whether they are compliant with CBC design guidelines, however new bus stops are proposed on the assumption that the site would be more directly served by public transport.

Public transport:

Whilst it is suggested that bus stops will be provided both on site and on London Road there is no record of a dialogue with the bus companies as to what is needed to ensure that the site is served by public transport and a financial contribution will be required to divert existing services.

It is anticipated that £228,750 will be needed to support a service for a period of one and a half years at which time it will be expected that this service will be self supporting. Service provision will be linked into existing provision to Stratton Park and also new services anticipated as part of the Kings Reach development.

The new bus stop in London Road should be provided by the developer and delivered in accordance with

CBC requirements such that it has seating, lighting, shelter and real-time information display screens.

If the site is to realise its potential in terms of public transport there should be provision for real time information screens on site.

The travel plan does not fully assess local bus service provision and whether buses on these routes are fitted with real-time information tracking devices

Other measures:

A site-wide car-sharing website for staff is required which sit beneath CBC's overarching car share site www.centralbedsandluton.liftshare.com

There is no mention of a car park management strategy for staff such that car-sharers are given priority.

An action plan has not been included for the delivery of the travel plan measures.

Targets:

Targets have been provided but the initial target for the site should be the modal split figures provided through the transport assessment, it is anticipated that these targets will be revised following the first surveys.

Monitoring:

Details of a monitoring regime have been provided but this needs to include traffic monitoring at locations to be agreed with CBC including the site access and egress in addition to the numbers of people travelling by sustainable modes.

Planning Agreement:

The travel plan needs to be secured at the determination stage of this application, should it be approved then the implementation of the approved plan needs to be secured through the legal agreement, if it is not approved then the submission of a revised document needs to be secured as part of the legal agreement.

Environment Agency

We are in a position to remove our objection on flood risk grounds, subject to the imposition of a planning condition being imposed requiring the following details of surface water drainage.

IDB

The board have no objection to the proposal in principle.

Minerals & Waste

No comment. Outside of minerals consultation area.

Trees and Landscape

In 2001 the London Road Trading Estate Biggleswade

Tree Preservation Order No 8 was made to protect a total of 50 mature trees including 23 Oak, 12 Lime and 2 Beech trees. This was made as part of the TPO review of an existing old order. All these trees were considered worthy of retention just ten years ago. The majority of these trees are located along the western side of London Road contributing extensively to the tree cover of this area, being highly visible to all entering south Biggleswade from the A1 and adding considerable screening to the trading estate.

The BS 5837 tree survey commissioned by Paragon LLP and carried out by Alan Engley a qualified consultant has identified that a total of 49 trees within the area of the TPO (not all covered by the TPO) are trees that would merit a retention category of B. This means that when considered in relation to a proposed development site they would be considered as "Those of moderate quality and value: those in such a condition as to make a significant contribution (a minimum of 20 years is suggested)" The proposal will result in the removal of all these trees and most of the remaining trees on the site, including those that add valuable screening of the site from Holme Court Avenue.

No attempt appears to have been made to consider trying to retain any of these protected mature trees, aerial views show just how important these trees are in the surrounding landscape and the degree of impact their loss will have.

Looking at the Design and Access Statement various options were proposed as regards how this site could be developed which could have incorporated some of these trees into the landscaping with particular reference to the mature trees on the north east corner of the site at the junction of Holme Court Avenue. It would have been quite feasible to have retained these trees and engineered a solution regarding the access road The statement also refers to a number of the options presenting a "blank aspect" to the A1 trunk road. At present a large part of the site is effectively screened by existing trees and banks that appear to be outside the site boundary and as such would be retained which would seem to be slightly at odds with the comments about the aspect.

I have had meetings and e-mail exchange with Peter Richards from the Richards Partnership who have been delivering the landscape plans for the proposed development.

The north boundary has a proposed 3 metre acoustic

fence and an approximate 7 metre strip which is intended to be planted up with a selection of trees with a girth of 25 - 30 cms. The idea of using a combination of evergreen and deciduous planting of this area using species with a light and leaf structure is good, but my concerns are going to be how these large trees are going to be maintained through the years of establishment. Main consideration is going to be an extensive watering programme, without substantial and regular watering these large trees are unlikely to establish well or alternatively will not survive at all. Sadly past experience has shown that many five year maintenance plans that are submitted as part of any planning application and in particular watering regimes are not adhered to and as a result poor establishment and failure of plantings are all too common, because of this we would like to see the inclusion of an underground irrigation system incorporated into the planting scheme in relation to the large tree planting. Smaller shrub and tree planting within the buffer zones would only require a standard watering maintenance agreement. This irrigation system should be relatively simple and inexpensive to achieve and we would want details submitted of the system proposed.

The new dual carriageway proposed is to incorporate extensive planting. Proposals at present are consisting of mainly Tilia species as the main highway plantings, at approx 6 metre spacings with a view to thinning as the trees develop. We have discussed a number of approaches to this planting and I am still uncertain that taking the approach of using only one species as the structural framework of planting is the right one. It will result in one crown colour and shape throughout the year over a large part of the planting. As you progress further north up London Road the highway verge planting is very varied in species resulting in a more interesting palette of colour and crown shape. I feel that this could be considered at least on the northern end of London Road with possibly a more uniform approach on the southern end.

We have discussed species for the planting on the roundabouts and consider that it is important that good more unusual specimen planting is used as the centrepiece of these areas. Again metasequoia glyptostroboides (Dawn Redwood) has been suggested, but not on all three roundabouts, a bit more variety would be preferable.

Car parking area planting at present again consists only of one species although Platanus spp would be a good

choice for this situation we would like a bit more variety of shape, colour and crown density. At 10 metre centres it is likely that these trees are going to end up being crown maintained within the next 20 years. There are some parking bay areas that are not identified for any planting. It would be possible to incorporate within these areas two or three well spaced specimen trees adding a different dimension to the planting. Again with all this large specimen planting we would require details of how it is proposed to irrigate them to ensure good establishment.

There have been further e-mail discussions regarding planting and also irrigation which have been forwarded to Hannah Pattinson and at present final planting plans and details of irrigation are to be sent in for approval.

Stevenage
Council

Borough

Thank you for consulting the Borough Council on this proposal. We wish to raise strong objections to this proposal because of its likely adverse impact upon Stevenage town centre.

If a Marks & Spencer superstore is permitted to trade at the London Road Retail Park, it could have significant adverse impacts on Stevenage town centre, Even a small adverse impact could be significant in terms of the strength of Stevenage town centre's retail offer.

We have commissioned an expert analysis from Jones Lang LaSalle of the retail impact assessment carried out by WYG Planning and Design for the applicants. A copy of their assessment is attached.

Jones Lang LaSalle's (JLL) principal conclusions are that it is considered that there are a number of omissions and inaccuracies within the WYG Retail Statement. These are set out in full in the JLL letter.

It is requested that these are addressed by the applicant in order that a full assessment on the impact of the proposal on its catchment area, to include Stevenage, can be taken. At present it is considered that the Retail Statement does not meet the requirements of PPS4.

In addition to the concerns raised in the JLL letter we would also raise the following points that we would ask you to consider in determining this application:

1. the new retail units are, for the most part, significantly larger than the existing units at London Road Retail Park, Biggleswade. This will make them attractive to a broader range of retailers than are currently represented on the retail park.

2. the potential impact of the proposed Marks and Spencer store at London Road Retail Park, Biggleswade on the town centre Marks and Spencer store in Stevenage. The new store will be larger, more modern, have free surface parking outside the door and be within 20 minutes drive time of Stevenage. It is likely that the impact of this store will be all the greater because it will offer a wider range of goods than Stevenage store and provide a contemporary, good quality shopping experience.
3. the likelihood of - and the impact on Stevenage town centre of - the units at London Road Retail Park being occupied by traditional town centre occupiers e.g. Next, Boots, New Look, Outfit, River Island, Sports Direct/JJB, Clinton Cards, Mothercare (who now offer out-of-centre formats) as opposed to traditional out-of-centre occupiers.
4. the potential impact of this development on levels of confidence and investment within Stevenage town centre by both existing retailers and prospective development partners, contrary to the long-established aim of regenerating Stevenage town centre to maintain its role within the regional shopping hierarchy.
5. the role of both the quantitative and qualitative change in provision at London Road Retail Park on Stevenage town centre and Stevenage's retail parks, again contrary to the long-established aim of regenerating Stevenage town centre to maintain its role within the regional shopping hierarchy.

The WYG assessment answers none of these questions.

The Borough Council also consider that there is something of an over-emphasis of the significance of the scale of the existing floorspace (upon which the proposed floorspace is held to be a 'small increase').

At London Road, Biggleswade one large unit is vacant (and has been for several years, we believe); another has not been built; and several of the mezzanine floors have not been inserted (the only ones we believe have been implemented are in Homebase and Bensons/Ponden).

This means that there is a much larger contrast between the current 'active' floorspace on site and what is proposed in the application. In turn, this would suggest that the impact would be greater on other centres, including Stevenage. This impact would also be affected by the significant improvement in the quality of the retail environment/offer proposed over that currently available.

Notwithstanding the suggestion in the JLL letter that 'should Central Bedfordshire Council be minded to approve the application it is recommended that conditions are placed on any permission to restrict any additional floorspace to bulky-goods only', the Borough Council are of the view that the application cannot properly be determined at present because the assessment of the development's impact on other centres is flawed and inadequate.

The WYG Retail Statement has not, in the Borough Council's view, been properly conducted and the Council believe that it seriously understates the impact on Stevenage town centre. It is considered that the statement does not meet the requirements of PPS4.

Until such time that the applicants can clearly demonstrate that there will be no adverse impact upon Stevenage town centre, which would be contrary to the intentions of the sequential test and the long-planned regeneration of Stevenage town centre, Stevenage Borough Council request that Central Bedfordshire Council apply the precautionary principle and not permit this application.

Stevenage Borough Council request that unless the omissions and inaccuracies within the WYG Retail Statement are fully and satisfactorily addressed by the applicant - in order that a full assessment of the impact of the proposal on its catchment area, to include Stevenage, can be undertaken - that **this application should be refused.**

Jones Lang LaSalle

Jones Lang LaSalle have been instructed by Stevenage Borough Council to review the application made by LXB RP (Biggleswade) Ltd for the redevelopment of the London Road Retail Park, Biggleswade and advise on the implications for Stevenage.

The Proposal

The application seeks permission for the redevelopment of the existing retail park at London Road, Biggleswade to provide new units.

The retail park currently comprises 10 units, of which 1 is vacant, with permission for an additional unit which is yet unimplemented.

The proposed scheme will provide a total of 17 units, including 2 units which are on a distinct, separate site.

This scheme will retain and subdivide the existing Homebase store. It is understood that all of the existing retailers will also remain trading at London Road Retail Park. The proposed development is intended to be anchored by a Marks and Spencer store; this store will sell the full range of M & S goods including food.

Catchment Area

The applicant has identified both 20 minute and 30 minute drivetimes from the application site. However, it is considered that these have not been sufficiently recognised in the chosen catchment area zones.

Despite being within 20 minutes drivetime, Stevenage has been excluded from the catchment area of the application.

By contrast, both Zones 4 and 5 are located almost entirely within the 20 - 30 minute drivetime area. It is unclear why these areas have been treated differently to Stevenage, and indeed Bedford.

The case for inclusion of Stevenage within the catchment area is borne out by the findings of the household survey provided within the retail Statement. These illustrate the high levels of population shopping at Stevenage at the current time from a variety of zones, and particularly from Zone 2 which includes Biggleswade itself.

The exclusion of Stevenage from the catchment area means that the application does not consider the impact on the town in accordance with the tests contained within national planning guidance PPS4.

Household Survey

As stated above, the applicants commissioned a household survey to support the application. Whilst extract of the results are included within the Retail Statement, it does not include a copy of the questions asked, or the full results. In order to fully understand existing shopping patterns it is important to see the full results of this survey. It is advised that the applicants are requested to make this survey available.

Sequential Test

The Retail Statement includes a sequential assessment of sites to accommodate the proposal. It is stated at paragraph 4.4.4 that given the proposal is to modernise

existing retail park floorspace *"It would not be appropriate to seek to locate the floorspace at a separate location within Biggleswade, or for it to be located in another centre."* The Retail Statement then continues, in paragraph 4.4.5, that disaggregation of the retail units - which PPS4 encourages consideration of - would not meet the objectives of providing an improved retail park.

Given that a significant amount of floorspace is re-providing units for retailers currently trading at the site, a case to avoid the disaggregation of these units could be made. Albeit, we consider that any of the retailers at the park could trade successfully without being adjacent to other units. In this respect, it is a weaker argument than the case for a supermarket or large DIY outlet.

However, we strongly consider that the proposed Marks and Spencer unit, which is traditionally an 'in-centre' store does not predominantly sell bulky goods, could be disaggregated from the other retail offer.

If it considered that, at present, the sequential test provided in PPS4 has not been taken fully into account. Furthermore, if the catchment area were to be extended, as detailed above, sequential testing would be required to have regard to the availability of sites within Stevenage.

Impact Assessment

PPS4 sets out a range of impacts which should be assessed in the determination of planning applications for main town centre uses. The applicant has undertaken assessments of these impacts. However, it is considered that there are a number of deficiencies in these assessments.

Impact on existing, committed and planning public and private investment

PPS4 requires this test to look at investment across the catchment area. The applicant has chosen to consider investment in only 3 zones of its catchment area; it is considered that this does not meet the requirements of PPS4.

Additionally, as Stevenage has been excluded from the catchment there is no consideration of impact on investment within the town. Paragraph 4.5.14 acknowledges that "it is widely recognised that residents of the catchment area travel primarily on a north/south axis along the A1 to St Neots in the north and Letchworth

and Stevenage in the south". Given this wide recognition, and the development proposals for Stevenage town centre, it is important that the applicant be asked to consider potential impacts on investment in Stevenage.

Impact on town centre vitality and viability

This has focused on the impact of the proposal on Biggleswade town centre. PPS4 is not specific on whether this should consider the nearest town centre or all of those within the catchment area; irrespective of this, the applicant is advised to provide a justification of why only Biggleswade has been considered.

Impact on in-centre trade

The applicant has prepared a number of tables to consider the trade re-distribution resulting from the proposal. The first 5 tables look at the levels of expenditure within the catchment area between 2011 and 2016.

Table 6 sets out the existing floorspace at the Retail Park and the turnover of the existing stores, based on company average sales densities. The table assumes that the Transloyd development site is currently turning over £4.2 million. As this site has not been built out it is not correct to reference a turnover to the units. Therefore, the more accurate turnover of the Retail Park is £32 million.

Table 7 sets out a company average sales density for Homebase lower than that provided within Table 6. As the store's floorspace will decrease as a result of the proposal, it would be expected to increase its sales density through increased efficiency; therefore this figure should be revised.

Table 8 considers the trade draw of the comparison element of the proposal. Retail provision in Stevenage is defined as outside the catchment area, its provision is divided into Stevenage town centre and Roaring Meg Retail Park; together £64.65 million is spent by the population of the catchment area in these locations.

The quantum of spending provides further justification for the inclusion of Stevenage within the catchment area.

Table 8 shows that £5.26 million is expected to be diverted from the Roaring Meg Retail Park, resulting in a 24.68% impact. Given that the proposal is promoted as

replacing the existing units with modern stores and retaining the existing retails it is unclear why it is considered that the proposal will attract so much trade from this retail park.

A total of £2.66 million will be diverted from the M & S store in Stevenage town centre and a further £2.15 million from other stores within the town centre. This has an 11.09% impact on the town centre, based on the expenditure of the catchment area.

Table 9 addresses convenience trade draw and considers the impact of the proposal on M & S convenience goods within Stevenage town centre. It indicates there will be £0.62 million diverted from this store, with a 9.44% impact. The table assumes that the M & S Stevenage is operating at company average sales densities. The Stevenage Borough Retail Capacity Assessment shows that this is not the case and that the store is under performing.

As such, the impact resulting from the identified trade diversion is likely to be far greater than set out.

There are a number of M & S food stores within the catchment area; however, the diversion from the Stevenage store is greater than for these stores. This is questioned as, if other stores are closer, it is more likely that they would be impacted.

Neither Table 8 nor 9 has considered any other retail proposals coming forward within other centres which could impact on the amount of expenditure which is available within the centres forming the study. Therefore, it does not give an accurate representation of the cumulative impact of the proposals.

Considering comparison and convenience trade diversion together, a total of £5.43 million is to be diverted from Stevenage town centre. Stevenage town centre is, as evidenced in the 2010 Stevenage Borough Retail Capacity Assessment, currently under performing. Given that it is the proposed M & S store which provides the most similar retail offer to Stevenage's town centre stores, it is considered that it will be the Stevenage M & S store which will be impacted most.

This is particularly acute given the ease of access of the London Road Retail Park from Stevenage and its surroundings, being located just off the A1 which connects the two towns.

The M & S store in Stevenage provides the role of an anchor, attracting shoppers to the town. If this level of trade is diverted away from the store it will have a knock-on effect on the performance of other stores within the centre, and the market share of the town.

As such, the provision of a "town centre style store" in this out of centre location is not supported, particularly given the current assumptions within the Retail Statement.

As stated previously, there are proposals for large-scale retail development within Stevenage town centre. The success of this scheme relies on the ability to attract high quality retailers and the town achieving a larger market share. Part of this will be achieved by restricting the development of a 'town centre' style stores in out-of-centre locations.

Proposed Conditions

The London Road Retail Park, currently provides very little restriction on the range of goods which can be sold at the park, and currently includes a number of stores also found in town centres. The proposal offers the opportunity to place restrictions on the range of goods to be sold, which do not currently exist.

It would be preferable for the retail park to be restricted, through condition, to bulky goods sales only. This would encourage non-bulky goods to town centre locations, in accordance with the provision of PPS4. However, it is accepted that the proposal will provide new accommodation for existing retailers and, therefore, further restrictions are likely to be resisted on these units.

As such, if the application is recommended for approval, it is recommended that conditions are placed on any additional floorspace - with any unimplemented floorspace considered to be additional - to restrict their use to bulky goods only. This will allow existing retailers to trade unimpeded but ensure that there is no further provision of unrestricted A1 retail use in the out-of-centre location.

Conclusion

In conclusion, as has been set out above, it is considered that there are a number of omissions and inaccuracies within the Retail Statement provided to support the

London Road Retail Park application.

It is requested that these are addressed by the applicant in order that a full assessment of the impact of the proposal on its catchment area, to include Stevenage, can be taken. At present it is considered that the Retail Statement does not meet the requirements of PPS4.

Should Central Bedfordshire Council be minded to approve the application it is recommended that conditions are placed on any permission to restrict any additional floorspace to bulky-goods only. If a M & S is permitted to trade it could have significant adverse impacts on Stevenage town centre. Even a small adverse impact could be significant in terms of the strength of Stevenage's retail offer.

Matalan

We have been notified about the above planning application which involves redevelopment of our retail outlet at London Road, Biggleswade.

We have discussed this matter with the other Retailers on the site and find that contrary to reports in the newspapers the majority are very much against the proposal, and have not agreed to any relocations either on the site or elsewhere.

Whilst writing we would also like to clarify whether the assertions of the Developer to ourselves and others that Compulsory Purchase powers will be used to facilitate this redevelopment are true?

We would like to register an objection as set out below.

Displacement of Established Occupiers

Matalan have occupied the premises at London Road since November 2000 and employ a team of 67 staff. The application proposal involves demolition of our store along with a number of other surrounding businesses. The planning application documentation gives the impression that there is some cooperation between the developer and existing occupiers and that the new retail floorspace will provide an opportunity for existing retailers to be relocated (Planning Statement Para 5.2.2 - 1). We would like to clarify that Matalan do not support the proposal as it will result in the loss of a well established store with absolutely no guarantee over continuity of trade during construction or that space will be made available to us within the new scheme.

Economic and Employment Impact

If planning permission is granted and the development goes ahead, there will be significant loss of jobs and economic activity at the retail park which will not be re-provided for some time. We note that the application has chosen not to represent the number of existing jobs on the application forms or within their Retail Statement. The development offers no real change to the amount of jobs that will be accommodated in the London Road retail warehouse area, and therefore represents considerable disruption to existing activities with very little, if any, economic gain. As acknowledged within the applicant's Planning Statement (Para 4.2.18) significant weight should be attached to the governments drive to enhance the economy and job prospects during the economic downturn. It is difficult to see how the current proposal can be regarded as "sustainable economic development" that would accord with the government objectives set out within the draft National Planning Policy Framework. There will clearly be a significant adverse impact on local employment issues contrary to PPS4 (Policy EC10) which has not been satisfactorily addressed by the applicant within their Planning or Retail Statements.

Retail Impact

The existing retail park is well let and trades strongly notwithstanding the applicant's assertion that the site is in need of modernisation and will benefit from redevelopment. The applicant states that much of the retail park is unrestricted in terms of the range of goods permitted to be sold and that this provides justification for new unrestricted retail floorspace of a similar scale. However, it is important that the Council realises that the developer is looking to escalate the status of London Road retail warehouse area to a shopping destination that will accommodate retailers normally found on the High Street (such as Marks & Spencer - the proposed anchor tenant). They are looking to develop a premium shopping park that would compete directly with the town centre, rather than compliment it. The development is therefore contrary to PPS4 Policy EC16, Core Strategy Policy CS1 and the Biggleswade Town Centre Masterplan as it will:

- 1) not be complimentary to the Town Centre;
- 2) result in a significant adverse retail impact on the Centre; and
- 3) elevate the status of London Road retail warehouse area within the retail hierarchy at the expense of Biggleswade Town Centre.

Sequential Test

The applicant is required to demonstrate that the proposed development cannot be accommodated on other sites within or on the edge of the Town Centre (PPS4 Policy EC15 and Core Strategy Policy CS1). In undertaking such assessments, the developer is required to apply a reasonable amount of flexibility in terms of scale and format and also consider the scope for disaggregation. The applicant has not applied such flexibility in assessing sequentially preferable opportunities. For instance they have argued that disaggregation of the proposals would not meet the "objectives" of providing an improved retail park at London Road. However, the provision of out of centre retail development such as this is not a development plan "objective". The development plan seeks to direct new retail development to more central locations - for instance land south of the Biggleswade Station is identified within the Town Centre Masterplan for retail warehousing. The sequential test has not therefore been carried out in a rigorous and robust manner as required by PPS4 and Core Strategy Policy CS1.

Highways

The proposal involves more retail floorspace at London Road but a similar level of car parking to that which currently exists. The proposed shopping park will attract a significant amount of additional custom given the type of centre that is being promoted. This is evidenced by the significant changes to the surrounding highway network necessary to support the proposal. However, the applicant significantly underestimates the increased attraction of the proposed retail development within their Transport Assessment. The proposal will therefore result in congestion on the highway network contrary to PPG13 and Core Strategy Policy CS4.

Conclusion

On the basis of the above we request that the planning permission is refused on the following grounds:

- There will be significant disruption to economic activity and local employment contrary to current advice from central government and Policy EC10 of PPS4. The applicant has failed to address this adequately and does not even acknowledge the existing employment levels at the site.

- The proposal represent formation of an out of centre shopping park that will have a significant adverse impact on Biggleswade Town Centre and the established retail hierarchy contrary to PPS4 and Core Strategy Policy CS1.
- In refusing to apply flexibility to the scale of format of the proposed development and consider the scope for disaggregation the applicant has failed to carry out the sequential test in a rigorous and robust manner contrary to PPS4 and Core Strategy Policy CS1. The Biggleswade Town Centre Masterplan identifies land south of the station for retail warehousing and does not support enhanced provision at London Road.
- The proposed parking provision is inadequate to serve a shopping destination of this nature and will have a significant highways impact contrary to PPG13 and Core Strategy Policy CS4.

G R
Consultancy

Planning

I refer to the above application submitted on behalf of LXB RP (Biggleswade) Ltd ('LXB'), my email dated the 3rd November 2011 and holding objection (email) dated the 10th November. As I confirmed in those emails, I act on behalf of the Home Retail Group the owners of Argos and Homebase, who both have stores on the London Road Retail Park ('LRRP') (application site). My clients have instructed me to submit an objection to the LXB application which is detailed below.

1. Background to Objections

This Practice advises the Home Retail Group on various planning matters in relation to its Argos, Homebase and Home Store & More stores throughout the UK. This work involves promoting new stores, extensions and various property management issues in relation to its existing store portfolios.

The objection set out below relate to the retail and policy implications of the proposed redevelopment and is based on a review of the Planning Statement ('PS') and Retail Statement ('RS') submitted in support of the application by White Young Green ('WYG'). In my previous email and holding objection I queried the absence of the NEMS Household Survey which underpins the WYG retail analysis and the fact that this should have been included in the planning submission. Whilst we requested a copy of this Survey, to date I have not received any response to these emails (a further chase up email was sent to you on the 22nd November) and my clients reserve the right to review their objections once this Survey is made available.

2. Planning Submission and Homebase & Argos Stores

As you know, the LXB application proposed to demolish the Argos store together with another 10 retail units. Whilst the Homebase is shown as being retained, the application proposes to subdivide this store to create a sub-let, down size the Homebase offer, undertake extensive external alterations and relocate its garden centre and service yard. The proposed layout (drawing No. 8659/P02/G) also shows the existing dedicated customer parking area to the front of the Homebase store being removed and incorporated within the car parking area for the whole of the redeveloped park. Other than the reference to the retained Homebase, none of the new retail units are allocated to existing retailers (tenants), though the application confirms that Unit C has been designed as an anchor store for Marks & Spencer ('M&S').

Throughout the planning submission, LXB indicate that the intention is that existing retailers will remain and will be provided for in the redevelopment scheme. It's also implied that existing retailers have confirmed a wish to be relocated within the redeveloped units, and LXB indicate that the provision of 2 new units opposite (on part of the Stratton Business Park ('SBP')) will allow continuity of trade and for retailers to be decanted to this location whilst works proceed on their existing units.

My clients wish to clarify that there have been no detailed discussions between them and LXB. No offer has been put to the Home Retail Group in relation to either store and they have not committed or signed-up to any aspect of this redevelopment scheme. We understand from our discussions with other retailers on the park, most notably Matalan, that they have similarly not given any form of commitment or support to the redevelopment proposals.

My clients have also asked me to confirm the following:

- Both the Argos and Homebase stores on the retail park trade successfully and currently satisfy their 'business model' and customer requirements and expectations.
- Both stores are held on long leases until July 2020 (Argos) and June 2024 (Homebase) with no 'break clauses'.
- Homebase have no surplus space or any requirement to down size their existing store (through the creation of a new sub-let).

3. Retail & Planning Policy Objections

As I confirmed above, my client's objections relate to the retail implications of LXB proposals and I have based our critique on the retail policies in the Development Plan and PPS4 'Planning for Sustainable Economic Growth' (December 2009).

(a) National Policy Guidance

WYG refer in their PS (paragraph 4.2.18) to the draft National Planning Policy Framework (NPPF), but conclude that little weight should be accorded to it (and the 'presumption' it seeks to introduce). I would concur with that view as it's a conclusion that was reached by a Planning Inspector in dismissing an appeal for a Tesco foodstore at Keyworth (reference APP/P3040/A/11?2148617/NWF - decision dated the 8th September 2011 - a copy can be provided if required).

This conflict that arises with PPS4 and the Development Plan is dealt with in sub-sections (b) and (d) below.

(b) Loss of Employment Land

With regard to Units 1 & 2 proposed opposite the retail park on the SBC, WYG accept in their PS (paragraph 5.2.3) that this land is safeguarded for employment and that the loss of this site would be a departure from the Development Plan. However, I could not find any justification provided by WYG to support this loss or why the recently adopted employment policies of the Core Strategy and Site Allocations DPD (policies EA1 & E1) should be set aside and/or were outweighed by other material considerations. There is therefore nothing for my clients to comment on in that this policy objection remains outstanding and would in itself be sufficient to justify the refusal of the LXB application.

In relation to 'job creation' WYG suggest at paragraph 5.2.4 of their PS that the number of jobs that will be 'created' from the proposals will be around 450 (120 from M & S). However, the figure of 450 is not quantified and a large percentage will be existing jobs provided by the current retail tenants. Whether there will be a 'net' increase in new jobs is unclear and has not been properly addressed by WYG. If the development negatively impacts on nearby town centres, as we argue below it will do, this will in turn lead to job losses from affected retail businesses within those centres. Overall the development could have a significant impact on local employment contrary to policy EC10 of PPS4 and this issue as well as

that highlighted above has not been properly or thoroughly addressed by LXB.

(c) Design & Layout

Considerable attention is focused in the LXB submission on the benefits that would be secured through redevelopment in terms of an improved layout and design, and more modern energy efficient retail units. My clients would accept that the redevelopment would secure some environmental and townscape improvements to the site.

However, as I have already confirmed the Homebase and Argos stores trade successfully and my client's discussions with other retailers on the park confirm that they also trade well. This confirms that shoppers are not dissuaded from visiting the retail park by its current appearance and layout and that it remains a successful and popular retail warehouse park. In addition, some of the proposed improvements could be secured by the refurbishment of the existing retail units and/or the implementation of the extant consents that LXB have obtained for new retail units, which we assume also include enhancements to the landscaping, layout and accessibility of the park. For these reasons, my client do not consider that the design/layout benefits that would be secured by LXB through the current submission are so significant as to outweigh or override any retail and planning policy objections to the proposed redevelopment.

(d) Retail Implications

Sequential Approach: As WYG confirm in paragraph 5.2.1 of their PS the whole of the application site (other than the past opposite on the SBP) is allocated in the Local Plan by 'saved' policy TCS8 for 'retail warehouse development'. Annex B to PPS4 defines 'retail warehouses' as:

"Large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods, catering mainly for car-borne customers".

Whilst I would accept that any new retail warehouse units that replace the existing will fall within this definition, the proposed M & S store (unit C) certainly does not. WYG argue that the proposed units (operators) are not the type intended to be located within a town centre location and that the proposed development will be characterised by large format retail warehouses (see paragraphs 4.4.11 &

4.5.24 of RS). The proposed M & S clearly does not fall within that 'definition'. WYG confirm that this store will sell the full M & S range of goods, which is traditionally found and sold from its 'high street' stores. It is an offer that could and should be directed in the first instance to BTC and required by PPS4.

Whilst I would agree with WYG that PPS4 seeks to prevent the 'disaggregation' of floorspace in certain situations, policy EC15.1.iv confirms that this applies to proposals that would involve the "*arbitrary sub division*" of units/development, e.g. where new mezzanine or an extension is proposed to an existing store that is required for that store to continue trading or to reduce overtrading and cannot therefore trade separately from it. Policy EC15.1.iv continues by making clear that applicants will be required to consider whether specific elements or parts of their retail development (units or uses) could not be located on more sequentially preferred sites. In doing so, applicants are required to show "*flexibility*" in terms of format, layout and parking etc.

WYG also argue that 'disaggregation' would not meet the "*objectives*" of providing an improved retail park in this location. However, the provision of an out-of-centre retail development as proposed is not a Development Plan "*objective*". The latter is reaffirmed by Core Strategy policies CS1, CS12 & DM7, paragraph 3.4.19 of the Core Strategy and Site Allocations DPD policy TC1, all of which seek to direct new retail investment to BTC and support and enhance the vitality and viability of that centre through bringing forward various development sites for retail and associated uses.

LXB have not "*thoroughly*" assessed therefore whether the M & S could be located separately as a 'solus' store or as part of a larger development on a sequentially preferred site. Similarly, they have not considered whether any of the wholly 'new' retail units could also not be separated onto preferred sites, for example, 'Site KS15' in the adopted Biggleswade Town Centre Strategy & Masterplan SPD, which is allocated for amongst other uses 'retail warehousing'. For these reasons, my clients are of the view that LXB have not demonstrated compliance with the 'sequential approach' as required by policies EC15 and EC17.1.b of PPS4 and Core Strategy policies CS1, CS12 & DM7.

Impact on Vitality & Viability: Whilst I note that a large element of the retail floorspace on the LRRP (existing and unimplemented) benefits from an open non-food use,

it appears to be of little relevance to the current application in that LXB do not suggest that this provides a material 'fall-back' option that they would or could implement (see paragraphs D.9-10 of the PPS4 Guidance). Also, the current application proposes a completely new arrangement of retail units all for unrestricted open A1 retail use (i.e. non-food and food use - I could not find any suggestion that the proposed floorspace is intended by LXB to be restricted in anyway).

Given the above and bearing in mind that neither Homebase or Argos, nor we understand any of the other retailers (tenants) on the park have to date signed-up or agreed terms to occupy a new unit on the redevelopment scheme, WYG's retail analysis must assess not only the turnover and trading implications of existing tenants reoccupying the units (as they have done) but also the implications if the units were occupied by more fashion orientated and traditional 'high street' operators. The latter is supported by paragraphs D.11-15 of the PPS4, which advises on situations where proposals are not backed or supported by specific named operators (i.e. the end operators have not been confirmed). In those circumstances, the Guidance confirms that applicants should consider the turnover of a range of potential occupiers likely to be permitted by the development, i.e. in this case a range of unrestricted A1 non-food and food users.

In Table 6 to their RS, WYG assess the turnover of existing floorspace based on theoretical 'benchmarks' but conclude that the Household Survey establishes that the existing units do not trade anywhere near these levels. Insofar as Homebase and Argos are concerned, I can confirm that both stores currently trade well below the 'benchmark' levels suggested in Table 6. The approach adopted by WYG in using the turnovers derived from the Household Survey is clearly correct and robust, and is also consistent with that advised in PPS4 Guidance.

Paragraph 4.6.2 of the RS confirms that the Survey derived turnover for the whole of the existing retail park is £18.93 Million (in 2013). This is repeated in Table 7 of the RS. However, Table 7 appears to contain errors in that its totals do not tie in with the corresponding figures in paragraph 4.6.2 of the RS. Firstly in relation to the M & S turnover (in Table 7) it is not made clear that this only relates to the stores non-food sales and does not include turnover from the proposed 'foodhall' (see 'Note 2' to Table 7). With its 'foodhall' the M & S will have a turnover of £28.7 Million (in 2013) (i.e. £18.04 Million from non-

food sales is in my view robust, but appears to differ from that in paragraph 4.6.2 of the RS where WYG suggest that only £11.6 Million of the proposed 'uplift' is attributed to the proposed M & S?

Secondly, according to Table 7 of the RS the 'uplift' or new turnover that the proposals will generate is $70.6 - 18.93 = 33.65$. However, I calculate the latter figure to be £51.67 Million (which represents the 'uplift' in turnover excluding that generated by the M & S 'foodhall'). The matter is further complicated by the fact that neither of these figures is then referred to in paragraph 4.6.2, which suggests that the retail assessment has been based on an 'uplift' of £43.98 Million. It's unclear as to where WYG obtain this latter figure, but on the basis (as WYG confirm) that the 'uplift' results "*(from actual existing, to proposed theoretical)*" then the correct 'uplift' figure must be $70.6 - 18.93 = £51.67$ Million. Table 8 of the RS does not appear therefore fully assess the comparison impact of the proposals in that it is based on the incorrect (and lower) figure for the proposed 'uplift' in turnover.

In any case, Table 8, in my view, underestimates that trade draw from BTC. It's not possible to undertake a thorough assessment as I have not been given access to the Household Survey, even though I have now requested a copy of this on a number of occasions. However, based on what we know, I would expect trade draw to be a 'minimum' of some £6.6 Million (representing 15% of the 'uplift' of £42.98 Million) or some £7.76 Million (adopting the 'uplift' of £51.76 Million). That would equate to an impact of 19.8% and 23.3% respectively on BTC. The reason for this higher trade draw is that the M & S offer and that generated by the wholly new retail units (all of which are proposed for open A1 use) will compete more directly with BTC and will offer clothing, footwear, electrical and household goods, which the 2007 Retail Study confirms are all goods that are sold in high volumes from BTC.

There will therefore inevitably be a greater overlap and more direct competition, e.g. the Retail Study confirms that for BTC's main catchment area ('zone') 24.4% of available expenditure on clothing/footwear was spent in the town centre and that the corresponding figures for non-bulky household and electrical goods was 36% and 41% respectively. By contrast, and again as an example, Sandy has a very limited non-food offer with the 2007 Retail Study confirming a turnover of only £0.7 Million in clothing/footwear & non bulky goods compared to a turnover of £28.0 Million for the same ranges in BTC (in

view of the latter it's very difficult to see how WYG can justify that trade draw from Sandy Town Centre will be in the order of £0.51 Million?). The revised levels of impact that I have estimated would be harmful to BTC and would prejudice future investment from coming forward.

If, as is required by the PPS4 Guidance, other potential operators (scenarios) are assessed, then the level of impact that I have estimated will increase proportionally, particularly if more fashion orientated 'high street' retailers such as Boots or Next were to locate on the park (or even new electrical & household retailers who trade at around £6,000 per square metre). As none of the existing tenants appear to have signed-up or committed to the new units on the redeveloped park, WYG must also assess the impact implications from other potential operators coming forward, which as I confirmed is only likely to add to the significant revised levels of impact that I estimate this development will generate.

WYG should also be required to assess impact 5-years after the estimated implementation of the proposal as required by Policy EC14.7 of PPS4, and not to 2013 as in Table 8 of their RS.

The introduction of M & S 'high street' store onto the LRRP would potentially other high end retailers (through the proposals for unrestricted A1 use) would undoubtedly change the character of the park and bring it into more direct competition with BTC. There can be no doubt that LXB's proposals are specifically aimed at expanding and promoting the status of the application site from a traditional retail warehouse park to a higher order (premium) shopping destination. In so doing, it will no longer be complimentary to BTC but will compete directly with it and attract shoppers who currently use BTC for their clothing, footwear and other non-bulky goods shopping. This will in turn undermine investor confidence and planned investment in the allocated retail sites within and on the edge of BTC, contrary to policy EC16 of PPS4, Core Strategy policies CS1, CS12 & DM7, Site Allocations DPD policy TC1 and the Biggleswade Town Centre Strategy & Masterplan SPD.

With regard to the impact from the proposed M & S 'foodhall'. Table 9 to the RS concludes that the impact on Sandy Town Centre will be 7.47% (in 2016). However, this does not include the cumulative impact with the permitted out-of-centre Tesco store in Sandy (planning reference CB/10/04078). The retail consultants advising the Council of that application, Savills Commercial Ltd,

concluded that the impact of Tesco on Sandy Town Centre would be "severe". The cumulative impact with the current proposal must therefore be assessed as required by policy EC17.1.b of PPS4. There may of course be other recent "*permissions*" (for both food and no-food) elsewhere within the catchment area that WYG have similarly not assessed and which they are required to assess by the 'cumulative' requirements of policy EC17.1.b.

4. Summary & Conclusions

WYG's sequential assessment fails to comply with PPS4 (and its Practice Guidance) in that it has not "*thoroughly*" assessed whether the proposed M & S or other wholly new unrestricted A1 retail units could be accommodated separately on preferred sequential sites within or on the edge of BTC.

The retail impact analysis is incomplete, contains various errors and has underestimated the trade draw and impact on BTC. There is no cumulative assessment or testing of the impact implications (scenarios) of different operators coming forward on the redevelopment scheme as required by PPS4 and its Guidance. The NEMS Household Survey which underpins WYG's assumptions has not been provided as required by PPS4. The introduction of a large M & S selling its full 'high street' range, as well as other traditional 'high street' retailers, would change the character of LRRP and elevate it to the status of a shopping destination that can accommodate retailers normally found on the high street (such as M & S) bringing it into direct competition with BTC.

The level of impact on BTC (including cumulative impact on BTC and other centres) is likely to be significant. The out-of-centre location of the site, its prominent location on the A1 and distance from BTC suggests it is unlikely to generate any 'linked trips' (a view supported by the fact that WYG have not produced any survey or other evidence to show that there will be any linkages). For these reasons, the application must be refused as it would be contrary to policy EC17.1.a and b of PPS4 and the recently adopted retail policies of the Development Plan.

The impact on local employment has not been properly addressed or justified as required by policy EC10 of PPS4. The loss of part of the SBP opposite would be contrary to the recently adopted employment policies of the Development Plan.

I would of course be happy to discuss these objections further with you or with your retail advisors.

I refer to the above application submitted on behalf of LXB RP (Biggleswade) Ltd ('LXB') and the objections submitted on behalf of my clients, the Home Retail Group, dated the 23rd and 30th November 2011.

I assume that since we spoke on the 29th November that the Council's independent retail consultants will now have been instructed and will report shortly. Also, that the detailed objections set out in my letter of the 23rd November have been forwarded to them to comment on and respond to the criticisms we raised of WYG's supporting retail assessment.

I have now had an opportunity to review the 2010 NEMS Household Survey ('NEMS Survey') that underpins WYG's retail estimates. I assume the Council's retail consultants will undertake a thorough review of the NEMS Survey in the context of the trade draw and impact estimates that WYG extrapolate from this and feed into, in particular, Table 8 of their submitted RS. Whilst I have only reviewed the NEMS Survey briefly it reinforces the conclusions I set out in our original objections, namely that WYG have significantly underestimated the trade draw and impact on Biggleswade Town Centre ('BTC').

As with the Council's 2007 Retail Study, the NEMS Survey confirms that BTC captures a good level of the non-food expenditure particularly from Zone 2, which WYG accept is the 'Home' or main catchment for Biggleswade. For example, from Zone 2 BTC accounts for 15% of expenditure on clothing/fashion goods (similar to Stevenage and higher than Milton Keynes); 13% of household appliances expenditure (higher than Bedford, Stevenage & Milton Keynes); and 19% of audio visual/TV/computer/photographic goods expenditure (far higher than Bedford, Milton Keynes & Stevenage). Similar higher percentages for BTC (from Zone 2 again) are recorded in the NEMS Survey (compared to the other 'competing' centres mentioned) for expenditure on CD's/DVD's/Books, china/glassware/luxury goods and cosmetics/beauty products. As I set out in my letter of the 23rd November there can be no doubt that the proposed M&S offer and that generated by the wholly 'new' retail units (all of which are proposed for open A1 use) will overlap and compete more directly with BTC in all the product ranges outlined above (which the NEMS Survey reaffirms are all goods that are sold in high volumes from BTC particularly from the 'Home' Zone 2). With greater

overlap and more direct competition, there will be higher trade draw and impact on BTC and my letter of the 23rd November provides our estimate of the 'minimum' likely level of impact. An issue that the Council's retail consultants will also need to review and critique more thoroughly are the trade draw estimates for the other centres and retail parks, which in our view have been overestimated. An example of this is the Roaring Meg Retail Park ('RMRP') in Stevenage. Table 8 of WYG's assessment estimates that the trade draw to the application proposals from this park will be £5.26 Million, £1.17 Million to the proposed M&S and £4.54 Million to the 'uplift' from the other A1 retail units. This compares with WYG's estimate of £2.47 Million from BTC, made up of £0.81 Million from M&S and £1.66 Million from the A1 units. The trade draw figure for RMRP is in my view simply not credible or justified in retail planning terms, particularly the fact that WYG estimate it will draw nearly 50% more of the 'new' turnover compared to that from BTC. RMRP is some distance outside WYG's 20 minute catchment area and the 'Zones' adopted in the NEMS Survey. In addition, the NEMS Survey 'totals' show that across the catchment area and in relation to the goods ranges covered by 'Questions 9-15' the RMRP's 'market shares' are in most cases far lower than those for BTC. The only areas where the RMRP's 'shares' are higher are in the household appliances and audio visual/TV ranges. Similarly, WYG estimate that trade draw from the RMRP to the proposed M&S will be significantly higher than that from BTC. However, the NEMS Survey shows that this is simply not credible as BTC has a much higher 'market share' in the ranges that M&S sells, e.g. clothing/fashion goods 3% for BTC compared to 0.6% for RMRP; cosmetic/beauty goods 9.6% for BTC compared to 0.4% for RMRP; china/glassware/luxury goods 2.5% for BTC compared to 0% for RMRP. As I confirmed above, I have not undertaken a detailed assessment of Table 8 in relation to the whole of the NEMS Survey but similar errors and unsubstantiated trade draw estimates are likely in my view to be repeated throughout WYG's analysis. Undertaking this review of the NEMS Survey and comparing it with WYG's retail analysis has also highlighted further the inherent errors within the Tables and text of the WYG RS, an issue which I drew attention to in our original objections (e.g. differences between the figures in the Tables and the main text of the RS). Further examples of these errors are to be found in Table 8, e.g. the total trade draw estimate for RMRP has been added up incorrectly and is in fact £5.71 M and not £5.26 M; for Bedford TC the corresponding figure should be £7.8M and not £7.36 M. Leaving aside the reliability of these

trade draw estimates, the totals have simply not been added up properly and it raises clear question marks over the reliability of all the WYG figures and estimates within Table 8.

As you will see, my initial review of the NEMS Survey reinforces the conclusions set out in our original objections, namely that the retail impact analysis is flawed, contains various errors and has underestimated the trade draw and impact on BTC. There can be no doubt that the level of impact on BTC (including cumulative impact on BTC and other centres) is likely to be significantly higher than WYG have estimated and at a level that would be contrary to policy EC17.1.a and b of PPS4 and the recently adopted retail policies of the Development Plan. I would of course be happy to discuss these objections further with you or with your retail advisors, and as before would request that this further objection letter is forwarded onto the Council's consultants.

Indigo Planning

We write on behalf of Standard Life Investments to object to the above planning application.

Our concerns relate to: 1) general planning matters; 2) retail matters; and 3) highways matters.

Our key concern at this stage is the lack of clarity in the information currently provided by the applicant, which means that it is not possible for us (or others) to properly understand the development proposed and to assess its impacts. We request that the Council require the applicant to provide additional information to enable this application to be properly assessed by both the Council and other interested parties.

General Planning Matters

The proposal comprises the demolition of the existing retail and commercial units and the construction of a new retail park, with alterations to the existing Homebase unit, as well as various highways works. The applicant suggests that the existing retail tenants are to be relocated to units in the new scheme but no evidence is provided to back up this statement. It is noted that the two largest existing retail tenants, Homebase and Matalan, who presumably are also the two largest employers, have objected to this application.

It is also suggested by the applicant that M&S is to join the scheme as a new anchor tenant, but there is no written confirmation provided by M&S that forms part of

the application package.

Employment Land

The application site is an 'out-of-centre' site and includes existing employment land and land (Plot S) which is identified for employment uses under Saved Local Plan Policy EMP4(1) (Stratton Business Park, Biggleswade). Plot S is allocated as a 'Key Employment Site' and is safeguarded for B1, B2 and B8 employment use by Saved Policy EMP4(1). While we acknowledge that retail uses do create jobs, the applicant does not provide justification for the loss of the existing employment land for B Class uses i.e. that it is surplus to local requirements. The Planning Statement suggests that this land is required 'to allow continuity of trading for existing tenants of the retail park whilst the redevelopment is underway', but further clarification is not provided. It is unclear why this cannot be achieved within the current retail park site (i.e. the area covered by Saved Policy TCS8). No phasing information has been provided by the applicant to set out how the existing retailers will be retained on site during the construction process to ensure continuity of trading.

The development would also result in the loss of 426 sq.m (gross internal) of existing B2 commercial floorspace. No information is provided by the applicant to justify the loss of this existing employment land. It is unclear why the proposed scheme cannot re-provide the existing employment floorspace in the same way that the existing retail floorspace is being re-provided.

The Planning Statement states that the proposal will 'allow Phase 4 of the Stratton Business Park to come forward in the near future' but the applicant does not provide any evidence to back up this statement.

Job Creation

The Application Form provided with the application refers to the existing number of people employed at the retail park as zero. It refers to the proposed employees to be 350 full-time and 100 part-time. The Planning Statement also refers to the proposed benefits of the scheme to include the creation of 450 jobs. This is misleading. It is also unclear as to how this figure is calculated. The existing uses will presumably already employ a significant number of people but no information is provided on existing jobs. It is unclear how the net increase in retail floorspace suggest by the applicant would result in a

significant number of new jobs, especially as a greater proportion of jobs in retailing are part-time.

The Proposal

The description of development refers to the proposal as being similar to existing but fails to mention that some of the existing units are restricted to the sale of bulky goods only. It is unclear from the information provided within the application as to the restrictions on existing floorspace and this needs to be clarified in order that the proposed new scheme can be properly assessed. Similarly it is unclear as to what floorspace is physically existing at the retail park and what floorspace is approved but not implemented. Presumably the approved floorspace referred to by the applicant as approved but not implemented is subject to valid planning consents, which have not lapsed but this is unclear.

The existing site layout plan provided with the application is unclear. It does not provide unit numbering. The Planning Statement refers to Unit 3 but it is unclear where this unit is located. Similarly the Planning Statement and Retail Assessments refer to the Transloyd site but this is not labelled on the site plan.

The proposal includes the removal of mature trees, including some subject to TPOs. It is unclear why these trees cannot be retained.

The proposal will have an overly dominant impact on the outlook of the existing residential properties along Holme Court Avenue, including the installation of a 3.6 metre high fence along this boundary.

The proposed new layout includes the provision of a new service yard adjacent to the existing properties along Holme Court Avenue. The proposed service road / yard is likely to result in a detrimental impact on residential amenity due to potential noise disruption, particularly as no restrictions on delivery hours are proposed by the applicant and the Planning Statement confirms M&S will require deliveries at 6am, which is considered to be night time in acoustic assessment terms. There could also be impacts relating to additional lighting at the site.

Retail Matters

The submitted Retail Statement contains numerous errors throughout the document and fails to present a clear case for the proposed development. As a result, it is

difficult to draw firm conclusions from this assessment. We would, however, like to highlight the following issues.

Linked Trips

WYG state, at paragraph 4.5.16, that a “large proportion” of residents surveyed as part of the household survey undertake linked trips i.e. combining a trip to a supermarket with non-food shopping. WYG assume that this general propensity to link trips in the wider area applies to the application site. However, the data in this regard is mixed at best and, in any case, does not relate specifically to London Road Retail Park.

With regard to the data itself, WYG appear to be referring to Question 3 of the household survey which shows that some 21.7% of those surveyed in Zone 2 (Biggleswade) link their food shopping trip to non-food shopping in the town centre and 24.7% link food shopping to the use of services such as banks. However, this appears to be contradicted by the response to Question 4, which shows that 85.6% of Zone 2 respondents do not link their food shopping to any other purpose. This contradiction is ignored by WYG and should be addressed.

Sales Densities

The applicant’s assessment of trade draw is far from clear. For example, Table 7 in Appendix 9 applies sales densities to the various proposed units but fails to identify the occupiers. If the occupiers are uncertain, it is not clear why these specific sales densities have been applied. As this table sets out the forecast turnover of the proposal, this is a critical element of the case and needs to be properly justified.

In addition to the above, there appear to be errors in the tables. For example, the turnover used for Homebase in Table 7 (£1,210 per sq m) is the same as that used for Halfords in Table 6. Without a clearer assessment, it is difficult to confirm the accuracy of the rest of the figures. WYG should be asked to address this.

Turnover of M&S

The turnover of Marks & Spencer is forecast at paragraph 4.6.1 as £11.60m. However, it is not clear from the assessment which of the proposed units M&S will occupy. If we assume that, as the anchor store for the scheme, M&S will occupy the largest unit (Unit C, at 5,574 sq m) it would be reasonable to assume that its

turnover would be much higher than WYG forecast. Mintel's Retail Rankings 2011 shows Marks & Spencer's sales density as £4328 per sq m. Applying this to the proposed Unit C would imply a turnover of £18m, even if we assume that the mezzanine floor (half the total floorspace) trades at 50% efficiency compared to the ground floor. At 100% efficiency, the turnover of the unit would be in the order of £24m. The turnover of the unit is likely to fall between these two figures, but is certain to be higher than WYG's forecast.

Existing Turnover

The turnover of the existing retail park is set out at Table 6 of Appendix 9. This appears to include the Saxongate Tyre Centre and the Translloyd site, however, it is not clear that these are in retail use. Indeed, WYG's Addendum shows (at paragraph 1.1.2) that the Saxongate Tyre Centre is also in B1 and B8 use as well as A1. Once again, the assessment is not clear. If elements of these sites are not in retail use, or do not have extant retail permissions, the turnover of the existing site will have been overestimated, and the uplift in turnover underestimated.

Trade Draw

WYG's Table 8 in Appendix 9 sets out their assessment of trade draw, i.e. the existing locations from which expenditure will be attracted to support the scheme. This is divided into the trade draw of the proposed M&S store and the "uplift" in turnover attracted to the remaining proposed units compared to the existing. The "Total Diversion" columns for each section are combined in the second last column, headed "Difference in Turnover" and from this it can be seen where WYG forecast the proposal's overall expenditure will be drawn from.

Again, the assessment is far from clear. The figures shown in Table 9 bear little relation to those quoted at section 4.6 of the Retail Statement. The assessment contains many errors, notably in the "Difference in Turnover" column, which incorrectly sums the total trade draw for Bedford Town Centre and Roaring Meg Retail Park. Furthermore, the total trade draw for the scheme appears to amount (after correcting for the above errors and for trade draw from the internet) to £51.65m, although WYG do not include this figure in Table 9. This figure does not appear in the Retail Statement text, which provides a considerably higher figure of £70.6m (4.6.1 and Table 6, Appendix 9). These apparent

inconsistencies need to be explained.

Pattern of Trade Draw

Leaving aside our concerns over the accuracy of WYG's turnover forecasts and the numerous errors which make assessment difficult (such as references to non-existent tables, see reference in paragraph 4.6.11 to "Table 10"), we also have concerns over the pattern of trade draw shown in Table 8 of Appendix 9.

Examination of the figures, as provided by WYG, shows that the largest single diversion of trade to the retail park will be from internet shopping. This is considered to account for £7.83m of the £51.65m diverted, or 15%. Similarly, 14% of the turnover is expected to be drawn from Bedford town centre, 10% from Roaring Meg Retail Park, 9% from Stevenage town centre, 8% from Cambridge city centre and 7% from Milton Keynes town centre. Examination of the household survey results shows this forecast pattern of trade draw to be unlikely. Firstly, in the Biggleswade area (Zone 2), comparatively little trade is undertaken online. Aside from the CDs/DVDs/Books category – always the strongest category for online shopping – the figures show a relatively weak market share for internet shopping. It is, therefore, hard to see how 15% of the retail park's turnover will be derived from it. Secondly, with regard to Cambridge city centre, the household survey results show that Cambridge has next to no market penetration of Zone 2. The table below demonstrates these two points.

Table 1: Market Shares of Zone 2 – Internet and Cambridge City Centre

Goods Category	Internet Market Share of Zone 2	Cambridge Market Share of Zone 2
Clothes, Footwear, Fashion	4%	4%
Household Textiles & Soft Furnishings	2%	0%
Household Appliances	12%	2%
Audio Visual	11%	1%
DIY	2%	0%
Chemists,	1%	0%

medical and cosmetic goods		
CDs/DVDs/Books	32%	1%
China, Glass, Hardware	3%	1%

Source: NEMS Household Survey, December 2010

Conclusion on Retail

WYG's assessment is confusing and error-strewn. Whilst it is difficult to make judgements on such a poorly-presented assessment, we also have concerns over some of their forecasts and assumptions. The Addendum provided does not clarify matters in any meaningful way. In the circumstances, WYG should be required to provide a clearer assessment. In the absence of this, the Council cannot reasonably reach a conclusion that there will be no impact on town centres, based on this evidence and the application should be refused.

Transport Matters

We have additional concerns in relation to highways traffic, parking and sustainability and will forward a separate letter by our clients' transport consultants, the Peter Evan Partnership, next week.

Summary and Next Steps

The application cannot be approved unless (a) further information is submitted to address the points we have raised and (b) the legitimate concerns raised have been satisfactorily addressed. Please let us know if further information is provided.

We reserve the right to make further submissions when we have received and reviewed any further information provided.

We trust the Council will inform us if it intends to present the application to the planning committee, at which point we might wish to attend.

Public Protection

I write with regard to the above application and make the following comments.

The proposal is to redevelop the retail park and I do have concerns about the proposed layout, in particular the service yard serving Retail Units A to H, which adjoins the northern residential boundary. It is unfortunate that it is too late to reconsider this layout as that would have

eliminated the conflicting land uses, and the applicant has dismissed alternative solutions provided by Public Protection such as delivering to the front of the store during sensitive hours. Therefore, in the absence of such possibilities we need to carefully manage how the units and service yard are constructed, operated and maintained. In this respect I make the following recommendation for conditions whilst remaining concerned about the proposals.

Noise from Delivery Operations – Concerns but Conditions Recommended

It is understood that those responsible for the development wish to have deliveries to the rear of the store between 06.00hrs to 22.00hrs 7 days a week. The only exception to this is that deliveries will commence at 7.00am on a Sunday and whilst the exact detail of the deliveries remains to be clarified, between the hours of 06.00 & 7.00hrs it is understood that deliveries will be conducted by several smaller vehicles (not exceeding 3.5t) to deliver the same volume of goods.

However, despite this the Public Protection Team currently wish to maintain an objection to this and propose that deliveries should be restricted to 07.00hrs Monday to Saturday and 09.00 to 18.00hrs Sundays, Bank and Public Holidays in order to protect the amenity of neighbouring residents. It is within such constraints that other local retailers operate and appreciate that noise from vehicle manoeuvring and loading / unloading activity can affect local residents, particularly at such sensitive times. Substantiated complaints demonstrate this and indeed over the years at this very site there have been complaints about deliveries to the existing industrial units when they have arrived at inappropriate times.

To expand further on this decision it is the sheer volume of variables that are built into a delivery operation and the ability to reflect these accurately in an acoustic assessment that continue to concern us. To explain, a typical delivery is made up of the following phases, vehicle arrival, unloading and departure. At each phase the possibly for significant variables exist, for example the type of vehicle and the human input in driving and unloading etc. It is the relationship between these variables and the maximum noise values which are important and as expected during any test conducted to obtain data for assessment purposes, the results are likely to be controlled and therefore unlikely to represent the actual true maximum noise levels.

In addition it is these maximum noises, (knocks, bangs squeals from doors slams, crates and trolleys been dropped) which are impulsive and unexpected. Therefore they are distinguishable from other background noises and therefore will be annoying and intrusive, particularly at sensitive times of the day when they are likely to awaken people and disturb sleep. I therefore remain of the opinion that the proposed operation of the deliveries at inappropriate times is likely to be the detriment of residents amenity. I also take this opportunity to remind those considering the application that Nighttime is defined as 23.00hrs to 07.00hrs.

Finally I justify our position using the Service Yard Management Plan which accompanies the application and references The Freight Association / Local Government Partnership Initiative entitled "Delivering the Goods – Best Practice in Urban Distribution". The applicant considers this as general good practice in relation to deliveries to this site and indeed Module 3 details the industry's view and provides a list of main commitments that the industry may consider before a local authority agrees to favourable look at relaxing delivery restrictions. Unfortunately the applicant has failed to demonstrate that they have considered such recommendations which I suggest is because they are unable to indicate with any confidence the exact nature of deliveries (number, time, vehicle type etc). Indeed other issues that they may have wished to consider are, low noise surfaces on delivery points, low noise wheels on cages/trolleys, electric shutters on loading bay etc).

That said I would welcome the opportunity in the future when operational practices and building design are better known to revisit the issue of permitted delivery hours. Indeed Marks and Spencer have worked in partnership with Chichester District Council and the Department of Transport in 2010 to look at impacts from earlier deliveries, the outcome of which I believe was successful. If we were to conduct a similar trial at a later date and similar results were found then we may look favourably on reducing restrictions and I hope that the condition wording provides for this opportunity.

Noise from fixed Plant, Machinery and Equipment – Recommend Condition

The applicant has established the current background levels at the site. In order to ensure that any fixed plant, machinery or equipment is not to the detriment of

neighbouring residents and to prevent creeping backgrounds it is necessary to condition any such installation and a condition is proposed below.

For the purposes of any future submission it has been agreed that existing background levels are 46.7dB daytime and 33.9dB night-time.

Other Matters

The noise from deliveries and plant to the service yard serving the Northern Terrace of Units gives the greatest level of concern. However, I have a smaller number of concerns, typical of these types of development and I recommend further conditions below, which I hope are self-explanatory in order to overcome such.

Economic Development

The Biggleswade town centre strategy and masterplan was adopted by Central Bedfordshire Council in July 2011. The purpose of the masterplan was to provide a long term strategy and framework for growth of the town centre in order to improve the centre's offer and meet the needs of a growing population.

Biggleswade town centre is currently a relatively healthy and attractive place with low levels of retail unit vacancies in primary shopping areas. It's retail offer is largely focused on service and convenience shopping with a large food offering (provided by Asda, Iceland, and Aldi) and a small selection of clothing retailers including Twenty One and Peacocks (store confirmed as remaining open).

Within the town of Biggleswade there is a strong desire to increase the range and quality of shops on offer in the town centre (e.g. fashion and non bulky comparison goods) which is recognised by all as limited. This is not a straight forward task however given the relatively small population size (currently 16,000, growing to 22,000 in next ten year period) meaning demand from operators (particularly national multiples) is limited.

This is compounded by the fact that previously there were very few properties capable of providing the larger footprint sites required where interest exists (addressed to some extent by the masterplan). These issues combined mean that the Biggleswade town centre 'offer' has remained quite limited despite an affluent local population and there is substantial leakage of spend away to other town centres and retail parks in the catchment area.

The redevelopment of the London Road Retail Park by LXB Properties represents an opportunity and a challenge to the town centre. The range of retailers proposed for London Road are unlikely to be interested in a Biggleswade town centre location given their main business driver is visibility and accessibility from the A1 (leading to greatly increased catchment area). It is also quite clear that whilst the adopted masterplan has identified sites in the town centre for a potential net increase in retail floorspace of 19,400 sq ft the range of units being proposed for London Road could not be accommodated within this aside from a limited decanting of existing retailers from London Road to the town centre.

Given these issues and subject to the current proposals not being expanded further it is likely that the London Road redevelopment would generate a net increase in employment opportunities for Biggleswade as a whole and help to recapture some of the spend from Biggleswade that is now going to other competing centres or retail parks at Bedford, Stevenage and Milton Keynes.

It is also reasonable to assume that there will be a negative impact on the town centre with some job losses in the medium/long term however this is difficult to quantify without further analysis and is subject to a range of variables notwithstanding broader economic conditions. The London Road development may also impact on the deliverability of the wider masterplan proposals but again a more in depth appraisal of this should perhaps be considered.

In terms of positive opportunities for the town centre it is feasible to assume that if there is some decanting of retailers from London Road Retail Park as part of a parallel development this could in fact provide a significant opportunity and boost to the centre and accelerate delivery of a large part of the masterplan. It would mitigate or prevent job losses in the town centre and contribute to safeguarding the health of Biggleswade town centre beyond the short term period. As the proposals and further discussions progress with LXB Properties this should be raised as a clear opportunity to ensure that some form of balance exists between a redeveloped Retail Park and a potentially enhanced town centre.

Police Liaison Officer

As regards the above, could approval please be conditional on the existing Biggleswade CCTV system being extended to provide coverage of the site? Retail parks generate considerable footfall and with this,

acquisitive crime. Whilst retailers can, unilaterally, take steps to minimise losses in their respective stores, this will not be as effective as some site-wide provision, nor will it protect the public from victimisation. Auto crime and robbery are but two examples of the types of offending which could reasonably be anticipated in this respect. If this is not required as a condition of approval, future attempts at getting retailers to agree to finance such measures are (based on past experience) unlikely to be successful.

I have liaised with Maria Daubeney who has confirmed that CBC CCTV could be installed. I would add that a stand-alone system would not be adequate.

This request will hopefully merit favourable consideration. Bedfordshire Police object to the proposal in the absence of acceptable CCTV coverage. Please do not hesitate to contact me if I can be of further assistance.

Determining Issues

The main considerations of the application are;

1. Introduction
2. Policy Considerations
3. Other Material Considerations
 - 3 (a) Impact upon the Character and Appearance of the Area
 - 3 (b) Highways
 - 3 (c) Impact upon Residential Amenity
 - 3 (d) Landscaping
4. Other Issues
5. Summary

Considerations

1. Introduction
Biggleswade is the largest town in the northern part of Central Bedfordshire and is a vibrant market town which is currently experiencing considerable growth. Biggleswade is categorised as a Major Service Centre in the hierarchy of settlements and there is a vision for the town to build on this role.

Biggleswade has grown both in terms of population and services steadily over the last 20 years and further growth of 2,473 homes has been committed/allocated during the current Development Plan Period which is made up of the Land East of Biggleswade Development (2100 homes), The Former Council Offices (43 homes) and Land at Potton Road (minimum 330 homes). In addition a further 15 Hectares of employment land is proposed to the east of the established employment area known as Stratton Business Park and this site is known as Stratton Phase 5.

The anticipated growth is likely to result in an increased demand upon Biggleswade as a town in terms of both its function as a service and retail

destination. Currently it is acknowledged that there is considerable outflow of expenditure from Biggleswade and its adjoining settlements to surrounding retail centres.

It is acknowledged that future growth will impact the current role of Biggleswade Town Centre which is an historic market town with the real prospect that in the medium to longer term it will become more service and cultural based. The Mary Portas Review which draws attention to the changing role of existing Town Centres refers to a vision which states that in the context of high streets... *They should become places where we go to engage with other people in our communities, where shopping is just one small part of a rich mix of activities.*

The recently published National Planning Policy Framework (NPPF) has provided three dimensions for sustainable development which growth should adhere to. These are an economic role; a social role; and an environmental role.

The majority of the planned growth will result in an increase in the number of people entering and leaving Biggleswade with the main proportion of anticipated traffic generated by this growth likely to utilise the A1 Biggleswade South Entrance. This is recognised by the infrastructure improvements at this junction required by the Land East of Biggleswade development. The proposed development also provides a real opportunity to improve the entrance into the town from this direction and deliver an identified objective of the NPPF in paragraph 63 which states that in determining applications great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

Currently the existing London Road Retail Park is a poorly designed retail park reflecting its piecemeal evolution and is not considered to be an immediately attractive customer destination. The Retail Park site is currently in effect three sites with different accesses and levels making it difficult to utilise all elements of the site at once. In addition the site has a number of unimplemented planning permissions and one unit which is vacant. This in itself indicates that the London Road Retail Park as present is not fulfilling its potential nor is it particularly attractive to the market.

2 Policy Considerations

National Planning Policy Framework –

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and came into immediate effect. The NPPF revokes the majority of the Planning Policy Statements and Planning Policy Guidance Notes subject to transitional arrangements in respect of current Development Plans.

The Rt Hon Greg Clark MP, Minister for Planning has written the Ministerial Foreword where he states that:

The purpose of planning is to help achieve sustainable development.

In order to fulfil its purpose of helping achieve sustainable development, planning must not simply be about scrutiny. Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives.

The defines sustainable development as:

International and national bodies have set out broad principles of sustainable development. Resolution 24/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy Securing the Future set out five 'guiding principles' of sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

Paragraph 9 of the NPPF states that:

Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- *Making it easier for jobs to be created in cities, towns and villages;*
- *Moving from a net loss of bio-diversity to achieving net gains for nature;*
- *Replacing poor design with better design;*
- *Improving the conditions in which people live, work, travel and take leisure; and*
- *Widening the choice of high quality homes.*

It should be noted that paragraph 14 states that:

*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **decision-taking** this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent; silent or relevant policies are out-of-date, grant permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

Section 1 is titled *Building a strong, competitive economy* which states that

in para 19:

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system

Section 2 is titled *Ensuring the vitality of town centres* which provides in para 24:

Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

The applicant has provided a retail assessment which includes a sequential test. The Council has also received independent advice in relation to the applicant's submitted information. This is discussed in greater detail later in this report.

The NPPF makes it clear within paragraph 2 that planning law requires that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990 provide the legislative framework for this.

To summarise, the NPPF is the National Planning Policy document which provides the overarching principles in respect of achieving sustainable development. Therefore this planning application has been considered in the context of the intentions and principles contained within the NPPF which is a material consideration in determining this planning application.

Planning and Compulsory Purchase Act 2004

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 determines that planning applications should be considered in accordance with the relevant policies of the development plan for the area, and all other material considerations.

The development plan in this instance is made up of the relevant policies contained within the Core Strategy and Development Management Policies (2009), the relevant saved policy from the Mid Bedfordshire Local Plan, First Review (2005).

In addition the Regional Spatial Strategy needs to be considered in the

context of this planning application as it forms part of the Development Plan.

These are discussed in greater detail below:

The Regional Spatial Strategy (RSS)

In May 2010 the Secretary of State indicated an intention to abolish Regional Strategies and the East of England Plan was revoked on 6 July 2010 by the Secretary of State. This decision, and related matters, was subsequently considered by the courts in the Cala Homes cases, such that the RSS continued to form part of the development plan for the purposes of Section 38(6). The Localism Act 2011 has since given powers to revoke regional strategies although the Government has indicated that this power will not be exercised pending consideration of the RSS environmental assessment reports.

A question thus remains as to the weight to be afforded to the RSS, however, the enactment of the Localism Bill, which envisages that decreasing weight can be given to the RSS and it is for the decision maker to attribute weight.

However this application has been considered in the context of the RSS and it is felt to not be in conflict with the relevant policies contained therein.

Core Strategy and Development Management Policies 2009

There are relevant planning policies or parts contained within the adopted Core Strategy and Development Management Policies 2009, namely:

Core Strategy Policies

Policy CS1: Development Strategy

Biggleswade – Major Service Centre

Eastern expansion of the town will be completed, together with additional jobs, homes and town centre redevelopment and expansion.

Policy CS1 provides a broad policy context for this development as Biggleswade is acknowledged to be a Major Service Centre within the Authority. It is acknowledged that the existing retail park is not specifically referred to within the Policy wording, however, it is noted that the development is anticipated to provide additional job opportunities for Biggleswade. In summary the proposal is considered to be in accordance with Policy CS1.

Policy CS2: Developer Contributions

Developer Contributions will be expected from any development which would individually or cumulatively necessitate additional or improved infrastructure, or exacerbate and existing deficiency.

The nature and scale of development for which contributions will be

sought, the level of such contributions and the mechanism for securing will be set out in the Planning Obligations Strategy.

It should be noted that due to the minimal increase in overall floor area that this development does not fall within the terms of the Planning Obligations Strategy.

However, due to the specific nature of this development it will require an accompanying S106 agreement securing developer contributions towards various matters for example, local bus service improvements and town centre contributions which are designed to complement the implementation of the Town Centre Masterplan. This is discussed in further detail later in this report.

Policy CS4: Linking Communities – Accessibility and Transport

The Council will seek to facilitate the delivery of strategic transportation schemes identified in the Local Transport Plan and other strategies:

- *Road improvements*
- *Rail improvements*
- *National Cycle Network routes*

The Council will seek to maximise the capacity of the existing transport network. Where such capacity is insufficient, the provision of new transport and travel infrastructure will be sought as a priority. In the case of new development, such provision will be sought in parallel or before commencement.

The Council will focus new development in locations, which due to their convenient access to local facilities and public transport, promote sustainable travel patterns. Development will be expected to contribute towards new facilities and services that support sustainable travel patterns.

The proposed development will provide the early delivery of the dualling of London Road, Biggleswade and the improvement of the existing access arrangements to the London Road Retail Park both of which are necessary to ensure the scheme is acceptable.

The accompanying S106 Agreement will include obligations to provide monies towards public transport links and a contribution to car parking in Biggleswade to support the town centre. In addition the Highways Agency has requested a Travel Plan condition to ensure the development of sustainable travel patterns both to and from the site.

In summary this proposal is considered to be in accordance with Policy CS4 of the Core Strategy and Development Management Policies (2009).

Policy CS9: Providing Jobs

The Council will plan for a minimum target of 17,000 net additional jobs in the district for the period 2001-2026.

The applicant has submitted information which has confirmed that this proposal is likely to increase the number of jobs on London Road Retail Park and Stratton Business Park. Whilst there may be some contention between all of the interested parties as to the level of increase it is accepted that employment opportunities will be created.

As such the proposal is considered to be supporting the objective of Policy CS9.

Policy CS12: Town Centres and Retailing

The Council will support and encourage new retail and service provision that provides for more sustainable communities.

- In Major Service Centres, town centre boundaries will be established, within which new retail and service provision should be focused. Development will be assessed against the sequential approach in PPS6.*

It should be noted that this particular planning application is not located within the defined town centre boundary for Biggleswade. In fact it is defined as an out-of-centre site as the application site is located more than 300m from the defined boundary of Biggleswade Town Centre.

In terms of planning policy previously this planning application would have been considered in the context of the guidance provided in PPS4 (which superseded PPS6) and which itself has now been superseded by the NPPF.

It is agreed that this planning application is proposing a development which in its purist form is defined as a main Town Centre use. Therefore in accordance with Policy CS12 and the relevant paragraphs of the NPPF the applicant has undertaken a Sequential Test.

The Applicant undertook a Sequential Test which identified two preferable town centre sites. However, the Applicant discounted these sites using the acknowledged tests of suitability, availability and viability. While there has been some discord as to this conclusion the Savills report acknowledges that there is little immediate likelihood that these sites will be available except in the longer term. This fact is recognised in the Biggleswade Town Centre Adopted Masterplan & Strategy.

All of the retail advice in the context of this planning application agrees that Biggleswade is leaking expenditure outside the catchment area. This development proposal provides an opportunity for Biggleswade to readdress this unsustainable situation and reduce the outflow of expenditure. It is also considered that this proposal is in accordance with the 'sustainable development' principles detailed within the NPPF and policy CS12 as it would meet current needs without compromising the needs of future generations.

To further ensure that this development compliments the existing Town

Centre rather than directly competes against it and undermines its vitality and viability a condition will be added removing the ability for any unit to be sub-divided below 500 sq m (5,382 sq ft). This will protect the smaller units in the town centre. The S106 Agreement will provide contributions towards the aims and visions contained within the SPG Biggleswade Town Council Adopted Masterplan and Strategy which will reinforce the role of Biggleswade Town Centre.

As such this Development Plan Policy has been considered and even though the proposal does not strictly adhere to it, the departure from this policy is not fatal to the proposal if other material considerations indicate otherwise.

Policy CS14: High Quality Development

The Council will require development to be of the highest quality by:

- *Respecting local context, the varied character and the local distinctiveness of Mid Bedfordshire's places, spaces and buildings in design and employs a range of urban design tools including urban design frameworks, design briefs and design codes to fulfil this undertaking;*
- *Focusing on the quality of buildings individually and collectively to create an attractive, accessible, mixed use public realm;*
- *Ensuring it is accessible to all; and*
- *Reducing the opportunities for crime and anti-social behaviour and enhancing community safety.*

It is considered that the proposal will create a high quality development which is attractive to future customers and occupiers, accessible and interactive with the public realm both within and adjacent to the site. The proposal has been designed so that it is accessible to all and the Police Liaison Officer has not raised concern in relation to anti-social behaviour or community safety provided that CCTV is provided and this can be secured by way of a suitable obligation in the S106 Agreement.

In summary, it is considered that the proposal is in accordance with Policy CS14: High Quality Development.

Development Management Policies

Policy DM3: High Quality Development

All proposals for new development, including extensions will:

- *Be appropriate in scale and design to their setting;*
- *Contribute positively to creating a sense of place and respect local distinctiveness through design and the use of materials;*
- *Use land efficiently;*
- *Use energy efficiently;*
- *Respect the amenity of surrounding properties;*
- *Enhance community safety;*
- *Comply with the current guidance on noise, waste management, vibration, odour, water, light and airborne pollution;*
- *Incorporate appropriate access and linkages, including provision*

- for pedestrians, cyclists and public transport;*
- Provide adequate areas for parking and servicing;*
- Provide hard and soft landscaping appropriate in scale and design to the development and its setting;*
- Incorporate public art in line with the thresholds determined by the Planning Obligations Strategy;*
- Ensure that public buildings are accessible for all , and comply with current guidance on accessibility to other buildings;*

The proposal is considered to accord with Policy DM3 and will result in a comprehensive high quality development which will provide part of an appropriate gateway entrance into the South of Biggleswade.

The proposal has been designed to use land in an efficient manner with parking provision located in the centre of the site to provide a shared facility for all of the retail units.

The contemporary design of the units is an improvement in terms of the existing design of the site and will result in a more energy efficient scheme as all of the new units will be required to be constructed in accordance with current Building Regulation Standards.

The proposal has been designed to respect the amenity of surrounding residential properties on Holme Court Avenue and relevant conditions will be imposed to ensure that this amenity is retained in terms of potential noise and light potential.

The applicant has confirmed that a 3.6 m acoustic barrier will be erected on the edge of the application site along the boundary adjacent to the rear gardens of properties on Holme Court Avenue. This acoustic fence will not only assist the reduction of noise pollution but also ensure that overlooking does not occur and residential privacy is retained.

In terms of community safety the Police Liaison Officer has commented on this planning application and subject to the S106 Agreement obligating the Applicant to provide CCTV no concern has been raised in relation to community safety. In fact this proposal will result in an enhancement in terms of community safety as the design of this re development is comprehensive and will result in greatly improved passive surveillance and reduce areas which do not benefit from natural surveillance.

Subject to appropriate conditions the proposal will accord with current guidance on noise, waste management, vibration, odour, water, light and airborne pollution.

The proposal does incorporate existing pedestrian accesses and linkages to the site and enhances the connectivity of London Road Retail Park with Stratton Business Park with a new pedestrian crossing. Furthermore the S106 Agreement will contain obligations securing the early delivery of the dualling of London Road up to the Saxon Drive

Roundabout to the junction with the A1 Trunk Road.

The design of the redeveloped London Road Retail Park has provided improved access to the site, designated cycle parking and a bus stop within the site. In addition a financial contribution towards public transport and real time information will be an obligation contained within the S106 Agreement.

The Highways Development Management Team have not raised any concern as to the parking provision and servicing arrangements within the proposal.

In terms of hard landscaping this has will be controlled through a relevant planning condition. In relation to soft landscaping the redevelopment has included a comprehensive planting scheme however this is discussed in greater detail under Policy DM14.

The proposal does not trigger the requirement for public art as part of this planning application.

If planning permission was granted the construction of the new buildings would have to comply with current accessibility standards as detailed by Building Regulations.

The application site is not located in close proximity to or adjacent to any historically sensitive sites.

In summary, it is considered that this proposal is in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

Policy DM4: Development Within and Beyond Settlement Envelopes
Within the Settlement Envelopes of both Major and Minor Service Centres, the Council will approve housing, employment and other settlement related development commensurate with the scale of the settlement taking into account of its role as a local service centre.

Biggleswade is defined as a Major Service Centre within the Authority boundary. It is acknowledged that Biggleswade is an historic market town and is strategically located adjacent to the nationally important A1 Trunk road which connects the north of England to London.

Biggleswade has allocated development for both employment and residential development and the re development of London Road Retail Park is also likely to increase the employment provision within this Major Service Centre.

In summary, this proposal is considered to accord with Policy DM4 as it is located within the settlement envelope for Biggleswade.

Policy DM9: Providing a range of transport

The Council, when considering development proposals will:

- *Require planning applications for all developments of 50 or more dwellings or 1,000 square metres of commercial development to submit a Transport Assessment and Travel Plan. Travel Plans will be required to demonstrate how the development is accessible by a range of travel modes;*
- *Where a Travel Plan is in place, expect the developer and/or user to implement and monitor the plan to the Council's satisfaction;*
- *Require as appropriate, financial contributions towards sustainable travel options including the development of the local cycle network as set out in the cycle mapping project.*

The Highways Agency as Highway Authority for the A1 Trunk Road has required the Council to include a Travel Plan condition.

Additionally, the applicant has proposed to make financial contributions through a S106 Agreement towards Public Transport and Real Time Information to deliver the objective of this policy.

The Sustainable Transport officer has not requested any financial contributions towards the local cycle network.

In summary, through the use of appropriate conditions and obligations within the S106 Agreement this proposal is considered to be in accordance with Policy DM9.

Policy DM14: Landscape and Woodland

The Council will ensure that:

- *Planning applications are assessed against the impact the proposed development will have on the landscape, whether positive or negative. The Landscape Character Assessment will be used to determine the sensitivity of the landscape and the likely impact. Any proposals that have an unacceptable impact on the landscape quality of the area will be refused.*
- *Trees woodland and hedgerows in the district will be protected by requiring developers to retain and protect such features in close proximity to building works. Tree Preservation Orders will be used to protect trees under threat from development. Any trees or hedgerows lost will be expected to be replaced.*

It is considered that the proposal is acceptable in terms of its impact upon the existing landscape and appropriate maintenance and management provisions will be secured through condition/ S106 obligations to ensure that the proposal contributes positively to the visual appearance of Biggleswade.

Further consideration of these matters can be found in the specific section on Landscaping later in this report.

In summary, subject to relevant conditions and S106 Obligations the proposal is not felt to be contrary to Policy DM14.

Core Strategy and Development Management Policies (2009) Summary

It is considered that this proposal accords with all of the relevant policies above other than Policy CS12 of the Core Strategy and Development Management Policies (2009). However, other material considerations such as the acknowledged lack of large retail units within the Biggleswade Town Centre defined boundary preclude the ability to locate this scale of development within the town centre. Additionally it has been concluded that the proposal through trade claw back will provide for a more sustainable community.

It is considered that these policies are in tune with the objectives of the NPPF and therefore in accordance with para 214 of the NPPF and the relevant policies have been given full weight.

Mid Bedfordshire Local Plan, First Review (2005)

Policy TCS8 states that:

Land at London Road, Biggleswade, as identified on the Proposals Map, will be safeguarded for retail warehouse development.

Proposals for development or redevelopment within this area for retail warehousing will be permitted subject to the following criteria:

- (i) The development proposed would not have an unacceptable adverse impact upon the vitality and viability of existing town centre centres;*
- (ii) The scale and nature of retail warehouse development proposed would reinforce the established retailing role of Biggleswade, and would either not generate a material increase in car journeys to Biggleswade or would lead to an overall reduction in car journeys as a result from trade draws from other centres;*
- (iii) The development incorporates measures to maximise the potential for accessibility to the site by public transport, by cyclists and for pedestrians;*
- (iv) The development has satisfactory servicing arrangements and a safe, convenient and adequate standard of access and parking is provided;*
- (v) The design and appearance of the proposal are appropriate to its surroundings;*
- (vi) Where appropriate, amenity space and landscaping are incorporated into the development scheme; and*
- (vii) There is satisfactory provision of facilities to meet the needs of people with disabilities.*

The redevelopment or change of use of existing retail warehouse premises to other uses will only be permitted where it can be demonstrated that there is no need for additional retail warehouse development within the Local Plan period, or that any need identified could be appropriately accommodated on an appropriate site within or directly adjacent

Biggleswade town centre.

Policy TCS8 is a saved policy from the Mid Bedfordshire Local Plan, First Review (2005). This constitutes the sole policy that deals specifically with the major part of the application site.

It sets out a presumption in favour of granting planning permission for development or redevelopment of the London Road retail park site for retail warehousing when considered against stated criteria.

The proposal, the subject of this application does not strictly confirm to the terms of the policy by proposing a wider range of uses than simply retail warehousing. While the NPPF does not provide a definition of what is currently considered to be retail warehousing if reference is taken from the now revoked PPS4 this does provide a definition and describes it as such:-

“large stores, specialising in the sale of household goods (such as carpets, furniture and electrical goods) DIY items and other range of goods catering mainly for car borne customer”.

The current application seeks a broader range of A1 uses (to be controlled through condition). In considering this specific point it is necessary to now consider whether there are other material considerations that need to be considered, and reference needs to be had to the planning history of the site.

The planning history demonstrates that over a considerable period of time planning permission has been granted for A1 uses on the site that are wider than the more restricted definition of retail warehousing. These wider permissions have allowed uses to be established on the existing development that are not in conformity with the overarching policy requirement. Matalan for example, a significant occupier on the site is a unit trading in a manner at odds with the requirements of the policy (although in accordance with the planning permission).

This relaxation of the policy position over time has resulted in a significant number of lawful planning permissions which allow the majority of existing operators to trade outside of the policy constraint. The ability for many of the existing units to trade a wider range of A1 goods than envisaged by the policy is an important material consideration as is the fact that despite this Biggleswade town centre is acknowledged to be performing well by the Town Centre Strategy and Masterplan.

Therefore, it is concluded that by allowing this proposal to trade a wider range of goods, though restricted by conditions, than those defined as retail warehousing would not be out of step with the current planning permissions for the site. Indeed the imposition of conditions actually has the effect of restricting and reducing the range of goods that could be sold under the terms of the existing permissions. Therefore this a demonstrable benefit to protecting the role and function of the town centre.

It is not considered that this application should be refused on the basis that it proposes a range of goods wider than retail warehousing for the reasons outlined above.

Having reached a position on this first requirement it is now necessary to consider the proposals conformity with the seven stated criteria set out in the policy.

Taking these criteria in numeric order criteria (i) requires the proposal to be assessed with regards the impact upon the existing town centre(s).

It is helpful to set the context within which this assessment needs to be taken. The way the (i) is drafted means that it is not a reason to refuse the application if the conclusion is that the proposal would have an impact upon the town centre, nor is it necessary fatal to the proposal if it is indeed concluded that this impact is adverse. The criteria requirement is that any identified impact is adverse and unacceptable.

The NPPF sets out in paragraph 24 the requirements upon Local Planning Authorities when considering applications for main town centre uses (defined in the glossary of terms - please see Appendix 1) that are not in an existing centre and not in accordance with an up-to-date Local Plan. It requires a sequential test to be applied.

The Applicant has submitted a sequential assessment of Biggleswade which identified two alternative sites within Biggleswade town centre. The assessment proceeded to use the test of suitability, availability and viability to assess the appropriateness of locating the proposed development on these alternative sites. They concluded that none of the sites they identified when assessed against the relevant criteria are suitable to accommodate the development being proposed.

The assessment by Savills of this exercise has raised some concerns as to the manner in which some of the identified sites have been discounted. However, in paragraph 5.25 of their report they do conclude that while there would appear to be opportunities in the town centre they acknowledge that these would not be available in the immediate future.

The availability issue of alternative sites in the town centre needs to be seen in the context of the fact that the Council has a planning application for the comprehensive redevelopment of a strategic retail park in the town. The Applicant has a proven track record of delivering successful retail developments and it has already been accepted that the occupiers on the existing retail warehouse park could retail a far wider range of goods than envisaged by the definition of retail warehouses and which will be secured through this permission. Additionally, the existing operators will be able to trade within the terms of this new permissions. Therefore, the existing Town Centre sites identified in the sequential test will still be available for a wider range of A1 retail sales than this proposal and indeed the Biggleswade Town Centre Masterplan envisages at least one of these sites to be a long

term (10 years) objective.

There is also a general acknowledgement that Biggleswade has a considerable leakage of trade to more distant centres and that this proposal would result in a significant claw back of this trade to Biggleswade. This diversion of trade will have substantial sustainable benefits which is an overarching theme within the NPPF, which clearly states that the purpose of the planning system is to contribute to the achievement of sustainable development.

While the NPPF does not specifically refer to the issue of disaggregation this matter has been discussed by the Applicant's in their Addendum report and they have concluded that the operating business model proposed for this site would have genuine difficulties if there was a requirement to disaggregate elements of their proposed retail activities. As part of the consultation responses a number of consultees have referred to the requirements of Policy EC15.1 of the now revoked PPS4. While it is fact that this guidance no longer exists it would have only been applicable, if it had existed, if the site, the subject of this application, had been in or on the edge of an existing centre. It has been acknowledged in this case that this proposal is for an out-of-centre site.

In addition to requiring a sequential approach the NPPF at paragraph 26 requires local Planning Authorities when assessing applications for retail development outside of town centres and which is not in accordance with an up to date Local Plan should require an impact assessment of the development.

This impact assessment needs to have regard to the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. This requirement is in conformity with the requirements of (i) of TCS8.

The applicant has submitted a Retail Statement to deal with the impact of this proposal on centres within the defined catchment area. The applicant adopted a catchment area for the proposed development based upon a 20 minute primary catchment area and a 30 minute drive time defining the secondary catchment area.

This analysis has resulted in a plan included within their Retail assessment which creates a series of zones and seeks to assess the impact of the proposal on centres in these zones. It is concluded that while there will be some diversions of trade from other centres across the catchment area and potentially outside the catchment area, in the Applicants view these are not at levels which would be considered to be significantly adverse to these centres.

The analysis undertaken by Savills in relation to this assessment indicates that within zone 1 they consider that there would not be any significant trade diversion.

Biggleswade town centre is located within zone 2 and it is impacted by this development. The conclusions reached in the Savills document indicates a trade diversion from the town centre to a new retail park at London Road which poses a threat to the development strategy anticipated by the Biggleswade Masterplan. However, the Biggleswade Masterplan acknowledges that a weakness of the town centre is the lack of available suitable space for larger retail operators focused on fashion and non bulky comparison goods. This acknowledgement indicates that the ability to deliver a wider choice of large format retail options in Biggleswade Town Centre is inhibited by the existing constraints within this historic market town. In addition, the existing retail park is permitted to trade a far wider range of goods than simply retail warehousing and this has not had a demonstrable harm on the town centre.

With the imposition of a restrictive condition that these larger retail units are not able to be sub-divided below 500 sq m (5,382 sq ft) this will ensure that they will not be competing with prospective tenants looking for smaller retail premises available in the town centre. In addition, restrictive conditions on the nature of the goods to be retailed from the new units will avoid competition with the service functions of the town centre.

Indeed, it could be argued that these additional controls including now the removal of the A3 uses from the application actually improve the protection for the town centre when regard is had to the existing planning permissions currently forming the lawful use of the existing retail park. Therefore with the imposition of suitable controlling conditions which are not acknowledged in the Savills report and for the reasons stated above it is not considered that the proposal would have an unacceptable adverse impact upon Biggleswade town centre.

With regards the impact on other centres within the catchment area it is concluded in the Savills report that the main impact will be on Biggleswade town centre implying no adverse impact on other surrounding centres. Indeed, White Young Green, on behalf of the Application, in their supplementary document received by the Council on 2nd March 2012 indicate that the highest impact outside of Biggleswade are on Bedford, Roaring Meg retail park and Welwyn Garden City none of which are within the defined catchment area.

The objection received from Stevenage Borough Council and their agents are acknowledged. However, as Stevenage is not located within the catchment area, and the Roaring Meg Retail Park retains no planning protection as it is an out-of-centre site it is not considered that these objections are of sufficient weight to warrant refusal of the application.

The second bullet point in paragraph 26 of the NPPF requires in addition to an assessment on town centre viability and vitality some assessment of the impact upon local consumer choice and trade in the town centre and wider area. The acknowledged improved trading choice offered by this proposal would reduce outflow to larger service centres.

The Applicant has indicated that Marks and Spencer is going to be the anchor tenant for this redeveloped retail park. In their supporting information they have provided evidence in relation of the proposed store's format which includes an element of food retail (975 sq m). Savills have considered the impact of 975 sq m of A1 Use Class food located on the proposed site as part of their appraisal as part of Unit C. Savills concluded that the trading effects would not prejudice the vitality and viability of any of the centres affected or future investment within them. Therefore, through the use of a controlling condition, it is not felt that this element of the proposal will be detrimental to the policy.

While the Applicant's have made reference to Marks and Spencer as a potential anchor tenant the final occupier of this unit will ultimately be a commercial decision between the owner and interested parties. Therefore in considering this planning application the proposed planning issues have been thoroughly assessed and the impact of any potential future occupiers has been given less weight. It is considered that the imposition of suitable controlling conditions will ensure that the assessment of impact is managed.

Having regard to the above assessment it is concluded that while there will be an impact on Biggleswade town centre and surrounding centres it is not concluded that this impact would be unacceptably adverse and therefore the proposal subject to this application is not contrary to (i) of the policy.

Turning now to (ii) of the policy this proposal must be assessed against whether the scale and nature of the development (conclusions on the appropriateness of the departure from a retail warehouse development have been discussed above) would reinforce the established retailing role of Biggleswade and whether it would either not generate a material increase in car journeys to Biggleswade or would lead to an overall reduction of car journeys as a result of trade draw from other centres.

It has previously been acknowledged that this proposal will result in a considerable claw back of trade from other centres and thereby would result in a significant reduction in car journeys to these centres. This conclusion results in this proposal meeting the requirements of this criteria of the policy. In addition, it supports the NPPF requirement to deliver sustainable development.

Criteria (iii) seeks to ensure that the development incorporates measures for sustainable modes of transport. The proposed S106 legal Agreement will contain financial contributions to improve bus linkages to and from the site to the town centre. The proposal includes the provision for cycle parking adjacent to the retail units. Improvements to pedestrian access across London road will be included as part of the dualling proposals but it is considered that London Road currently makes adequate provision for pedestrian access to the town centre. Consequently it is concluded that this proposal accords with the provisions of this criteria.

Criteria (iv) requires the development to have satisfactory servicing

arrangements and a safe convenient and adequate standard of access and parking. The proposed service arrangements have been subject of consultation with Council's public protection service and are the subject of conditions to ensure that these arrangements are satisfactory in the context of proximity of neighbouring dwellings. The Council's Highways service raised no objection to the access and parking arrangements. Therefore the proposal satisfies the requirements of these criteria.

Criteria (v) relates to design and appearance of the proposal and it is considered that the design of the units in this application are of a standard which will ensure that there is a significant enhancement in this area.

Landscaping is a matter covered by criteria (vi) and the individual landscaping proposals are discussed elsewhere in this report but are considered to be satisfactory and will ensure that the development is softened by a complimentary landscaping scheme.

The requirements of disabled are incorporated into the scheme and therefore it is considered that criteria (vii) is satisfied.

The final part of policy TCS8 requires some consideration to be given to any identified need for additional retail warehouse developments in the Biggleswade area within the Local Plan period. The gradual erosion of the restriction on the use of the units on the existing retail park to general A1 has demonstrated that there is no overriding pressure for additional retail warehouses in the Biggleswade area.

In conclusion, it is considered for the reasons set out above that the material considerations outweigh the policy constraint restricting the use of the site to a retail warehouse park.

Policy EMP4(1)

Proposals for the continued development of Stratton Business Park, London Road, Biggleswade for B1, B2 and B8 employment use as identified on the proposals map will be permitted subject to the following criteria:

- (i) Proposals incorporate a high standard of design and layout including, where appropriate, associated open space and landscaping complimentary to the appearance of the business park;*
- (ii) Where relevant proposals further the establishment of the linear wood along the north east and south east boundaries of the site;*
- (iii) Development has no unacceptable adverse impact upon the amenity of nearby residents;*
- (iv) Development makes contributions towards the furtherance of the objectives of the Ivel and Ouse Countryside Project; and*

- (v) *Development incorporates safe, convenient and adequate standards of access including that for pedestrians and cyclists and provides for appropriate car and cycle parking and reflects the need to maximise use of public transport.*

In accordance with the Councils economic development strategy the Council will particularly encourage the provision of units and workspace suitable for the accommodation of small businesses and businesses wishing to start up as part of the future development of the site.

It is acknowledged that Units 1 & 2, to be located on Plot 'S' do not accord with the principle of this saved policy. This is a piece of land situated at the edge of Stratton Business Park, adjacent to London Road, and has remained vacant for a considerable period of time.

The loss of this small piece of employment land in this location is not considered to undermine the robustness of the policy protection afforded to the wider Stratton Business Park.

The design, scale and appearance of the proposed units in this location will enhance the entrance to Biggleswade from this direction and have been designed to a high standard and they are complimentary Stratton Business Park. Thus the proposal meets criterion (i).

The proposed development does not require assessment in relation to Criterion (ii) as it is not located in close proximity to either the north-east or south-east boundaries of the site. With regards criterion (iii) it is concluded that it will not have an unacceptably adverse impact upon nearby residents.

Given the nature of the development the S106 contributions are being targeted towards enhancing the town centre and therefore any contributions to the Ivel and Ouse countryside project are in this instance being waived.

The site has been designed to incorporate safe, convenient and adequate standards of access. The Highways Team have raised no objection to this proposal and it is considered that sufficient car parking and cycle parking is provided on site. In addition the Applicant has proposed a pedestrian crossing to link London Road Retail Park and Plot S which will ensure safe connectivity and comply with criteria (v) of the above policy.

Currently this area of land is vacant, not in commercial use and is not providing any employment provision. In light of the current economic climate the provision of employment within the retail sector is of benefit as it brings the land into a gainful employment use. Subject to obtaining planning permission these units would lend themselves to fulfilling the Councils economic development strategy in providing units suitable to accommodate small businesses and businesses wishing to start up.

Site Allocations

Policy E1

The Council will safeguard the Key Employment Sites listed below. New allocations for employment land, including those within mixed-use schemes, will also be treated as Key Employment Sites and safeguarded through the Local Development Framework.

Biggleswade – Stratton Park (including Stratton Park Phase IV)

Therefore, this site has to be considered in the context of Policy EMP4(1) discussed above.

Development Plan Summary

The proposal is considered to broadly accord with the relevant Core Strategy and Development Management Policies (2009). Where it has been identified that there is a discord with the policy material considerations have been identified which are of sufficient weight to outweigh this conflict.

In addition, the proposal is considered to be in accordance with the aspirations of the NPPF in delivering Sustainable Development.

Biggleswade Town Centre Adopted Strategy & Masterplan

This is a Supplementary Planning Document. The purpose of the document is to:

- *Understand what makes Biggleswade town centre unique and special;*
- *Setting out a vision of where Biggleswade town centre could be in the next 15-20 years.*
- *Providing a Strategy to realise this vision with a plan for the short, medium and long term.*

The Biggleswade Town Centre Adopted Strategy & Masterplan identifies a demand for larger format retail units in an accessible location. The Town Centre has a lack of available suitable space for larger retail operators, favoured by fashion and non bulky comparison stores.

Design in Central Bedfordshire: A Guide for Development

The Design in Central Bedfordshire: A Guide for Development was adopted as Technical Guidance for development control purposes in January 2010.

As part of the document there are 7 separate Design Supplements and one specifically relates to Larger Footprint Buildings. This is considered to be relevant in the context of this planning application.

Within the Design Supplement 2 it states that:

... the development proposals should relate to the potentialities offered by the site and its setting, to achieve the objectives of sustainable

development as set out in the LDF, the Design Guide and this supplement.

The proposal has been designed in accordance with the Technical Guidance contained within Design in Central Bedfordshire: A Guide for Development – Design Supplement 2 and therefore this is considered to be acceptable.

3. Other Material Considerations

3 (a) Impact upon the Character and Appearance of the Area

The application site can be considered in three parts, namely the re development of the existing London Road Retail Park, development of Plot 'S' and the dualling of London Road.

Re development of the existing London Road Retail Park

The current London Road Retail Park is poorly designed and reflects the fact that it has developed in an ad hoc fashion over a period of years rather than being planned as an overall site. The effect of this has been to have a retail park which is effectively separated into three separate areas and where continued vehicular access is not achievable throughout the site due to a split levels between the Homebase end of the site along with its car parking area and the remainder of the site. The result of this is a retail park which does not enhance the character or appearance of the area, is not user friendly for members of the public and it would seem not particularly attractive to a range of operators.

This proposal will provide an opportunity to develop a coherent and legible development using tested design principles and providing sufficient parking provision which will lead to a development that is both practical and respectful of its location between the A1, London Road and the residential street Holme Court Avenue.

It is acknowledged that the due to the sites location between two busy roads that the proposal must be designed to take account of its prominent location within the public domain. In addition the site is in close proximity to the residential properties located on Holme Court Avenue and will form the built edge of Biggleswade adjacent to the A1.

As such this proposal has been designed to take into consideration these constraints and to provide a practical solution that works in terms of retail development which the Applicant have a proven track record in providing whilst ensuring that it does not result in a detrimental impact upon the character and appearance of the area.

There are a number of TPO Oak Trees adjacent to Holme Court Avenue. As part of this proposal these TPO trees would need to be removed to allow for the necessary infrastructure to be provided. However, a detailed landscaping scheme has been proposed for this part of the site which includes the planting of semi mature trees. It is acknowledge that in the short term this would result in a loss with regards to the character and

appearance of the area, however, the proposed landscaping would be acceptable and ensure that the development provides for an enhanced landscape setting. Appropriate conditions would be added if planning permission was to be granted to ensure the works are managed and maintained satisfactorily into the future.

In summary, it is felt that the overall proposal would dramatically improve the existing character and appearance of the area and would enable the provision of purpose built, well designed A1 Retail units for both retailers and customers.

Plot 'S'

The principle of development in terms of Plot 'S' has been considered above specifically in relation to Policy EMP4(1) of the Mid Bedfordshire Local Plan (First Review) 2005.

Plot 'S' is currently a vacant site adjacent to London Road. The site is part of the allocated Stratton Business Park and all of the land surrounding this plot has previously been developed. As such development of this area of land with the development proposal will improve the character and appearance of the area.

The site has been designed to provide car parking towards Pegasus Roundabout and adjacent to London Road with the built form in relatively close proximity to the adjacent existing commercial property. This arrangement will enable the provision of two retail units designed sympathetically with the surrounding commercial development with a similar height and scale.

If planning permission was to be approved this would allow this land to be brought into a use which will both provide employment opportunities and improve its visual appearance. Landscaping has been proposed to ensure that as you leave Biggleswade on London Road that this site will be aesthetically attractive.

In summary this element of the proposed development is felt to enhance the character and appearance of the area by providing a gateway to Biggleswade adjacent to London Road in conjunction with the proposed development on the London Road Trading Estate.

London Road Dualling

The dualling of London Road is a requirement of the development and is currently flanked by TPO protected Horse Chestnut Trees. As part of the re development of both the existing Retail Park and the dualling of London Road this would require the removal of these protected trees.

As such considerable negotiation has been undertaken with the applicant by the Council's Tree and Landscape Officer as it is acknowledged that this would result in a detrimental impact upon the existing character and

appearance of the area in the immediate term.

Through negotiation with the Council's Tree and Landscape Officer an enhanced landscaping scheme compared to the existing proposal has been negotiated and relevant conditions or S106 obligation would be added to any planning permission to ensure that sufficiently mature trees are planted, managed and maintained as part of the landscape works. This is to ensure that the contribution that landscaping makes in this area is quickly replicated.

In addition an underground watering system would be provided to ensure that the newly planted trees mature as quickly as possible. This should enable any newly planted trees to be able to react to the variable anticipated rain fall as they become established. Finally, a clause will be included within the S106 Agreement or an appropriate planning condition applied if planning permission was to be granted to ensure that any dying, dead or diseased trees are replaced with similar stock for a period of 20 years from implementation.

In summary it is acknowledged that the removal of these TPO protected trees would detract from the character and appearance of the area. However, when considering the overall development and the proposed replacement landscaping scheme, including on going management and mitigation proposals this should be seen as an opportunity to improve the long term character and appearance of this part of London Road, Biggleswade by providing a uniform tree lined gateway towards Biggleswade in association with the proposed dualling works of London Road.

3 (b) Highways

The Highways Agency were consulted as part of this planning application. Following the submission of additional information by the Applicant the Highways Agency have now issued a TR110 whereupon they have raised no objections subject to a relevant Travel Plan condition being imposed if planning permission was to be granted.

In addition Central Bedfordshire Council's Highways have confirmed that they have no objection to the proposal subject to relevant conditions. As mentioned previously the proposed London Road dualling as shown on the submitted plans is considered to be necessary and this will be obligated as part of the S106 Agreement which requires the works to be completed to the satisfaction of the Council in a timescale which is acceptable to all parties.

It should be noted that the dualling of this stretch of road is also a planning obligation contained within Site 3 of Land East of Biggleswade. The dualling of this road much earlier will undoubtedly be a benefit to Biggleswade and will in part help towards creating an improving the gateway to the Town from the south. It is also considered that the dualling of London Road in this location will improve the vehicular movement interaction with Stratton Business Park.

Draft S106 Heads of Terms have been received from the applicant and this has included a financial contribution towards extending the 185 Local Bus Service. Central Bedfordshire Council's Sustainable Transport officer has indicated that a financial contribution would be required which would be used to upgrade the level of service required to meet the needs of the development. In addition there is an aspiration to secure real time public transport information within the principle stores within the development and again the applicant has confirmed acceptance of this proposal and suggested that this should be included as part of the S106 Agreement. This should greatly assist in making the use of public transport to and from the site more attractive. However, it should be noted that the final scheme and figures are yet to be agreed between the parties.

In summary, this proposal is considered to be acceptable in terms of Highways both in relation to Central Bedfordshire Council and the Highways Agency subject to relevant conditions. As such it is considered to be in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

3 (c) Impact upon Residential Amenity
Noise Pollution

The only residential properties that are considered to be directly impacted upon by this development are located upon Holme Court Avenue. These residents were consulted when the application was received by the Local Planning Authority. One letter raised concern as to the likely impact of noise upon these properties and this has been taken into consideration along with the comments received from Public Protection.

It is considered that the only impact upon residential amenity is likely to arise along Holme Court Avenue in terms of potential noise pollution through servicing to the back of the new retail units, specifically those known as A to H (inclusive).

Public Protection have been consulted and raised specific comments in relation to the service yard for Retail Units A to H. Public Protection do have concerns in respect of potential delivery hours and servicing but consider that this can be dealt with satisfactorily by way of relevant conditions.

In particular the applicant has advised that deliveries are to be undertaken between the hours of 0600 hrs to 2200 hrs Monday to Saturday and between 0700 hrs to 2200hrs on Sundays. However, for clarification it should be noted that any deliveries undertaken between 0600 hrs and 0700 hrs will be undertaken only by vehicles 3.5 Tonnes or less. Public Protection remain concerned about this and as such consider that an appropriate condition be applied restricting deliveries between 0700 hrs to 2200 hrs Mondays to Saturdays inclusive and 0900 hrs to 1800hrs Sundays, Bank and Public Holidays or otherwise agreed in writing with the Local Planning Authority if the applicant is able to provide a satisfactory scheme to ensure that neighbouring residential amenity is not compromised

unsatisfactorily.

The Council have received complaints from this area of the site in relation to deliveries to the existing industrial/retail units and therefore this requires careful consideration.

Public Protection consider that a typical delivery is made up of the following phases, vehicle arrival, unloading and departure. At each phase the possibly for significant variables exist, for example the type of vehicle and the human input in driving and unloading etc. It is the relationship between these variables and the maximum noise values which are important during any test conducted to obtain data for assessment purposes. Therefore, the merits of imposing a condition which allows flexibility in terms of hours once more information is known in terms of these variables will ensure that the proposal will not have an unsatisfactorily detrimental impact upon neighbouring amenity.

As part of this application the applicant submitted a Service Yard Management Plan which references The Freight Association / Local Government Partnership Initiative entitled "Delivering the Goods – Best Practice in Urban Distribution". The applicant considers this as general good practice in relation to deliveries to this site and indeed Module 3 details the industry's view and provides a list of main commitments that the industry may consider. It will be necessary as part of any scheme to provide justification in relation to Module 3.

The applicant has provided noise information in relation to fixed plant, machinery and equipment and this is considered to be acceptable subject to a relevant condition.

Lighting Pollution

The applicant has not provided information in relation to lighting of either the proposed re development of London Road Retail Park, Plot 'S' or London Road.

Public Protection have advised that a suitably worded lighting condition would be sufficient to deal with any proposed lighting on London Road Retail Park or Plot 'S'.

Finally in addition to the conditions in relation to the Deliveries, Service Yard Management and Noise from Fixed Plant, Machinery or Equipment further conditions will be recommended in relation to the proposed acoustic barrier between the application site and the rear gardens of Holme Court Avenue, land contamination and lighting.

In summary and subject to relevant conditions it is not considered that the proposal will result in an impact upon residential amenity in terms of noise and light pollution to warrant refusal of this planning application.

- 3 (d) Landscaping
On 6th April 2012 the Town and Country Planning (Tree Preservation)

(England) Regulations 2012 put all Tree Preservation Orders onto the same footing and consolidated existing legislation into one new set of regulations.

None of the main legislative changes in relation to Tree Preservation Orders impact upon this planning application or the approach that has been taken in relation to the TPO trees which are effected through this development proposal.

The applicant has proposed a comprehensive landscaping scheme for the application site which includes details between the retail units and Holme Court Avenue along with an acoustic fence. It is acknowledged that this will require the removal of a number of TPO trees in the first instance. In the terms of this development this is considered to be necessary and acceptable subject to relevant conditions in securing planting, management and maintenance to ensure the retention and ongoing management of these important landscaping proposals.

In addition, a landscaping scheme, of semi mature planting has been proposed, including an irrigation system as part of the dualling of London Road. Again TPO trees are being removed as part of this proposal but it is considered that the new planting scheme will improve the setting of London Road.

In summary, it is not considered that this proposal would result in sufficiently detrimental impact upon landscaping in terms of its long term impact to warrant refusal of this application. As such it is considered that the proposal is in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

4.

Other Issues

Environment Agency

The Environment Agency originally objected to this planning application. The Applicant has provided additional information which has led to the Environment Agency withdrew their objection subject to relevant conditions. As such this is now considered to be acceptable.

Economic Development

Central Bedfordshire Council's Economic Development Officer has confirmed that they have no objection to the proposal. In fact it is seen as an employment opportunity for Biggleswade which will result in a new gateway to the southern entrance to the Town and a vibrant and cohesive retail park.

Draft S106 Heads of Terms

The applicant has submitted draft Heads of Terms for this application. It should be noted that some further negotiation is likely to be required to finalise a S106 Agreement which is satisfactory to all parties. As such, Members are respectfully asked, to provide Officers with delegated authority to continue to negotiate with the applicant over this matter.

To date the draft Heads of Terms include the following headings:

- Framework Travel Plan
- Financial contribution towards the new bus stop on London Road between the junctions of Normandy Lane and Pegasus Drive. Improvement to be limited to the provision of bus timetable boards and real time information provision.
- Financial contribution towards the 185 Local Bus Service.
- Service Yard Management Plan
- Biggleswade Town Centre Contribution
- Biggleswade Town Car Parking Contribution
- An on-site way finding and information board.

In addition this Agreement will need to include provisions in relation to the maintenance and management of the new landscaping scheme and a suitable trigger for completion to the satisfaction of the Council of the London Road Dualling proposal.

It should be noted that this list is not exhaustive and may be expanded upon as detailed S106 negotiations continue. The S106 Contributions would be secured to assist the delivery of positive impacts of the proposal rather than only mitigation. The proposal would result in a greater retention of spend within the catchment area and the proposed obligations are designed to facilitate linked trips to Biggleswade Town Centre. This would be achieved through public transport provision, enhanced car parking and other incentives identified in the Biggleswade Town Centre Adopted Masterplan & Strategy.

The S106 contributions currently being offered by the Applicant meet the necessary tests of Regulation 122.

The Councils Functions

This application has been considered in accordance of the following functions:

The Disability Equality Duty, Equality Act 2006, S17 Crime and Disorder Act 1998, Environmental duties, Human Rights Act, S39 Planning and Planning Compulsory Purchase Act , S2 Local Government Act 2000, Part 1 Local Government Act 1999, S21 Local Government Act 2000, S108 Public Involvement in Health Act 2007 and the Licensing Act 2003.

Referral to Government Office

As Members are aware the application site is located on the existing London Road Retail Park, Biggleswade and on the safeguarded employment site known as Stratton Business Park, Biggleswade. Therefore as part of this planning application proposes retail development on a safeguarded employment site it has been advertised as a 'departure' in accordance with the Town and Country Planning (Consultation) (England) Direction 2009.

In addition the planning application falls within the remit of paragraph 5 of

the Town and Country Planning (Consultation) (England) Direction 2009 in respect of development outside town centres.

As such, any decision other than a refusal of planning permission would require this planning application to be referred to the Secretary of State.

Environmental Impact Regulations

This planning application has been considered in relation to the EIA Regulations 2011. It is not felt that the proposal will have significant impacts wider than local importance, the site is not considered to be in a particularly sensitive or vulnerable location and there it is not anticipated that there will be any unusually complex or potentially hazardous environmental effects which have not already been discussed and mitigated for above. In summary it is not considered that it would trigger the need for an EIA.

5

Summary

This proposal has been assessed having regard to the Development Plan Policies, the recently released NPPF, supporting information forming part of the application, all the submissions and correspondence received from consultees and interested parties and all other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Development Plan

The report has set out and assessed all of the relevant policies contained within the Development Plan. The conclusion of this assessment is that the application proposal is not in strict accordance with all of the Development Plan policies for retail development in this location. It cannot, therefore, benefit from the presumption in favour delivered by section 38(6) of the Planning and Compulsory Purchase Act 2004. Accordingly, it is necessary to examine the other material considerations to see if there would be a balance of advantage in allowing the application proposal to proceed.

The assessment of the proposal against the Development Plan policies has identified that other material considerations exist which cumulatively outweigh the conflict with the relevant policies. These material considerations involve a recognition of the existing planning status of site, the proposal delivering improved sustainability through the claw back of retail trade, improved linkages with the existing Town Centre through S106 obligations, enhanced design and layout, additional employment opportunities, comprehensive control of uses on the application site to protect the Town Centre, reinforces the established retailing role of Biggleswade, improved access arrangements and highway infrastructure.

Impact upon Character and Appearance of the Area

It is acknowledged that the current London Road Retail Park is poorly designed and laid out and contributes little positively to the current character and appearance of the area. The development, the subject of this application, proposes a comprehensive redevelopment resulting in a retail park which will be modern in design and layout. This will have the effect of significantly improving the overall visual appearance of the area and enhance its character.

Under the circumstances it is therefore concluded that the application accords with the requirements of the Development Plan and the NPPF and is a compelling factor to be weighed in the balance.

Highways

The existing access arrangements to the site are convoluted. The proposal would involve a significant rationalisation of this arrangement to the benefit of the highway network. Sufficient car parking for development has been proposed along with the provision of a new bus stop to serve the development.

The existing London Road forms a direct and convenient link to the town centre. The proposal involves dualling London Road up to the Saxon Drive Roundabout from the A1 which is direct requirement of the development but will also have the effect of improving access to the town centre and improve vehicular interaction with Stratton Business Park. This highway improvement will also facilitate improved crossing arrangements over London Road for pedestrians and cyclists.

The London Road dualling and associated works will be secured through a S106 Agreement and conditions. These improvement accord with the policy requirements of the Development Plan and are compelling considerations to be weighed in the balance.

Impact upon Residential Amenity

The only residential properties adjacent to the site are located on Holme Court Avenue. The service yard proposed to the rear of units A – H (inclusive) is situated adjacent to these residential properties and it is acknowledged that impact may arise in terms of noise pollution. However, the applicant has proposed a 3.6 m acoustic fence along this boundary which will be controlled through condition.

While concern has been raised around deliveries and their impact the imposition of controlling conditions relating to delivery times and a condition controlling noise levels is felt to be mitigated. Therefore, it is considered that with these conditions the living conditions of local residents in terms of noise would not conflict with the aims of Policy DM3.

Regard has also been had to the impact of light pollution generated by the proposed development. The absence of any specific lighting information as

part of the planning application merits the imposition of a condition to ensure that this factor does not become detrimental to neighbouring properties. This ensures that the development is compliant with the aims of Policy DM3.

Landscaping

It is acknowledged that this development proposal will result in the removal of TPO trees along London Road and adjacent to the residential properties on Holme Court Avenue. Under these circumstances, this weighs as a negative factor when considering the proposal. However, the proposal has included a comprehensive landscaping for the whole site including the planting of semi mature trees in key locations. This will over time replace and enhance the setting and character of this area. Therefore, the loss of the TPO trees are not a compelling reason to resist the development.

Other Issues

Other issues have been identified including responses from the Environment Agency, the Council Economic Development Officer and the S106 Heads of Terms. None of these matters cause any concern in supporting the proposal.

Conclusion

Having considered all the factors relevant to the determination of this application the balance of the argument falls in favour of supporting the proposal with the recommended conditions and S106 Agreement.

Recommendation

The application is recommended for approval subject to conditions and to a S106 Agreement.

Reasons for Granting

The proposal will not result in an adverse impact upon the character and appearance of the area, neighbouring amenity and highway safety. Overall the proposal would not have an unacceptable adverse impact upon town centres within the catchment area and is viewed as being a sustainable development as it will reduce the outflow of expenditure from Biggleswade. It is acknowledged that the proposal does not strictly accord with Policy CS12 & E1 of the Core Strategy and Development Management Policies (2009), EMP4(1) and TCS8 of the Mid Bedfordshire Local Plan, First Review (2005). However, it does accord with policies CS1, CS4, CS9, CS14, DM3, DM4 & DM9 of the Core Strategy and Development Management Policies (2009). The failure to strictly accord with Policies TCS8 and EMP4(1) is outweighed

by the benefits the proposal will bring namely the delivery of improved sustainability through the claw back of retail trade, improved linkages with the existing Town Centre through S106 obligations, enhanced design and layout, additional employment opportunities, comprehensive control of uses on the application site to protect the Town Centre, reinforces the established retailing role of Biggleswade, improved additional employment opportunities, access arrangements and highway infrastructure which are compelling material considerations.